THE UNIVERSITY
OF ILLINOIS
LIBRARY
331.1
B631p
v.2

The person charging this material is responsible for its return to the library from which it was withdrawn on or before the **Latest Date** stamped below.

Theft, mutilation, and underlining of books are reasons for disciplinary action and may result in dismissal from the University.

UNIVERSITY OF ILLINOIS LIBRARY AT URBANA-CHAMPAIGN

JUN 17 1974
JUN 17 1974
JUL 19 1974
JUL 16 1974

L161—O-1096

UNIVERSITY OF ILLINOIS LIBRARY URBANA

PROCEEDINGS

ARBITRATION

BETWEEN THE

WESTERN RAILROADS

AND THE

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

AND THE

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN

Submitted to Arbitration, under the Act of July 15, 1913
By Agreement Dated August 3, 1914

CHICAGO, ILLINOIS

Dec. 11-Dec. 22, 1914

Testimony Nos. 10-18 Pages 891-1883

Vol. 2

LAW REPORTING CO., OFFICIAL REPORTERS
15 Broadway, New York. 1101 Ashland Block, Chicago

351.1
B631p
v.2

LIST OF WITNESSES.

Witness	Date	Page
C. R. D. Jones Re-direct	Dec. 11	912
Owen Kearns	Dec. 11	917
Cross Examination	" 11	924
Re-direct "	" 11	931
Re-cross "	" 11	939
E. G. Jacobs	Dec. 11	952
Cross Examination	" 11	958
Re-direct "	" 11	967
C. E. Jackson	Dec. 11	974
Cross Examination	" 11	980
Re-direct "	" 11	987
Re-cross "	" 11	988
Re-direct "	" 11	993
B. J. Bassett	Dec. 11	994
Cross Examination	" 11	1000
Re-direct "	" 11	1005
C. P. Smith	Dec. 14	1007
Cross Examination	" 14	1018
Re-direct "	" 14	1031
Re-cross "	" 14	1045
Re-direct "	" 14	1052
W. R. Boyd	Dec. 14	1055
Cross Examination	" 14	1059
Re-direct "	" 14	1066
Re-cross "	" 14	1068
Willis J. Armstrong	Dec. 14	1071
Cross Examination	" 14	1079
Re-direct "	" 14	1087
Re-cross "	" 14	1089
W. G. Johnston	Dec. 14	1094
Cross Examination	" 14	1099
Re-direct "	" 14	1110
Re-cross "	" 14	1113
Re-direct "	" 14	1121
J. J. Waddell	Dec. 15	1134
Cross Examination	" 15	1140
Re-direct "	" 15	1146

304222

Witness	Date	Page
F. J. Hunt	Dec. 15	1151
Cross Examination	" 15	1154
Re-direct "	" 15	1156
G. A. Harmon	Dec. 15	1158
Cross Examination	" 15	1163
Re-direct "	" 15	1169
C. W. Richardson	Dec. 15	1171
Cross Examination	" 15	1179
Re-direct "	" 15	1198
H. A. Belding	Dec. 15	1201
Cross Examination	" 15	1208
Re-direct "	" 15	1218
John Finn	Dec. 15	1226
Cross Examination	" 15	1236
Re-direct "	" 16	1244
Re-cross "	" 16	1247
J. B. Westbrook	Dec. 16	1253
Cross Examination	" 16	1257
Re-direct "	" 16	1265
T. A. Abrams	Dec. 16	1270
Cross Examination	" 16	1273
Fred F. Bloom	Dec. 16	1286
Cross Examination	" 16	1294
Re-direct "	" 16	1312
Re-cross "	" 16	1316
B. P. Young	Dec. 16	1322
Cross Examination	" 16	1326
Re-direct "	" 16	1337
Gilbert Hodges	Dec. 16	1342
Cross Examination	" 16	1345
Robert Hart	Dec. 16	1351
Cross Examination	" 16	1354
C. E. Lindquist	Dec. 16	1357
Cross Examination	" 16	1361
Re-direct "	" 16	1365
E. L. Gannon	Dec. 16	1368
Cross Examination	" 16	1371
Re-direct "	" 16	1376
John Hanley	Dec. 17	1379
Cross Examination	" 17	1381
Re-direct "	" 17	1387

Witness	Date	Page
Frank Holloway	Dec. 17	1416
Cross Examination	" 17	1425
Re-direct "	" 17	1435
P. J. McClory	Dec. 17	1437
Cross Examination	" 17	1440
Re-direct "	" 17	1449
Re-cross "	" 17	1450
H. O. Martin	Dec. 17	1473
Cross Examination	" 17	1494
Henry L. Rose	Dec. 18	1509
Cross Examination	" 18	1518
Re-direct "	" 18	1540
Re-cross "	" 18	1545
Re-direct "	" 18	1545
William Ralston	Dec. 18	1547
Cross Examination	" 18	1556
Re-direct "	" 18	1565
Re-cross "	" 18	1567
L. J. Kane	Dec. 18	1575
Cross Examination	" 18	1583
Re-direct "	" 18	1603
Re-cross "	" 18	1608
Hugh M. Jones	Dec. 18	1613
Cross Examination	" 18	1620
J. F. Sexton	Dec. 18	1636
Cross Examination	" 18	1638
George Crylie	Dec. 19	1649
Cross Examination	" 19	1656
Re-direct "	" 19	1670
Re-cross "	" 19	1671
O. F. Modenbach	Dec. 19	1678
Cross Examination	" 19	1686
Re-direct "	" 19	1710
Re-cross "	" 21	1713
Re-direct "	" 21	1734
Re-cross "	" 21	1737
Re-direct "	" 21	1741

Witness	Date	Page
C. B. Vance	Dec. 21	1741
Cross Examination	" 21	1752
Re-direct "	" 21	1761
Mark T. Hicks	Dec. 21	1761
Cross Examination	" 21	1766
Re-direct "	" 21	1772
E. O. Livesay	Dec. 21	1772
Cross Examination	" 21	1779
Re-direct "	" 21	1786
A. P. Jacoby	Dec. 21	1787
Cross Examination	" 21	1792
Re-direct "	" 21	1796
Re-cross "	" 21	1799
Re-direct "	" 21	1805
Re-cross "	" 21	1806
Re-direct "	" 21	1810
Re-cross "	" 21	1814
Re-direct "	" 21	1815
P. C. Mohler	Dec. 21	1815
Cross Examination	" 21	1819
Re-direct "	" 21	1823
Re cross "	" 21	1825
W. F. Stevens	Dec. 21	1827
Cross Examination	" 21	1831
Re direct "	" 21	1836
C. R. Jessup	Dec. 22	1848
Cross Examination	" 22	1854
B. C. Kuehl	Dec. 22	1859
Cross Examination	" 22	1869

LIST OF EXHIBITS.

Employes' Exhibits.

Number	Witness	Date	Page
17		Dec. 17	1389
18		" 17	1400
19		" 17	1402

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Illinois, December 11, 1914.

Met pursuant to adjournment at 10 o'clock A. M.
Present: Arbitrators and parties as before.

The Chairman: Proceed, gentlemen.

C. R. D. JONES was recalled for further examination and having been previously sworn, testified as follows:

Mr. Stone: Are you through, Mr. Sheean?

Mr. Sheean: I think I was through.

Mr. Stone: I understood some members of the Board wanted to ask Mr. Jones some further questions.

The Chairman: Yes, sir.

Mr. Park: Mr. Jones, you say that you were not paid for the time you lost after your experience in the tunnel. Is it not customary on the Southern Pacific to pay for lost time in case of accident or personal injury to an employe?

Mr. Jones: I don't know that it is. I understand, though, that employes have been paid.

Mr. Park: Did you make a claim for that time?

Mr. Jones: No, sir.

Mr. Park: You were under the care of the company doctor?

Mr. Jones: Yes, sir.

Mr. Park: Is the track between Dunsmuir and Ashland a single track?

Mr. Jones: Yes, sir.

Mr. Park: All of the way?

Mr. Jones: All of the way.

Mr. Park: So that, in doubling up the trains and reducing the number on the road, it enables them to get over the road to better advantage, does it not?

Mr. Jones: That is one of the objects, I believe, in getting as many cars in a train and as many engines in one train as possible.

Mr. Park: How far is it from Ashland to Hornbrook?

Mr. Jones: From Ashland to Hornbrook thirty-six miles.

Mr. Park: You are restricted in your speed, of course, going up this 3.3 per cent grade to six or eight miles an hour?

Mr. Jones: No, fifteen miles an hour on the grade.

Mr. Park: Going up?

Mr. Jones: Except that on certain curves our speed is restricted to twelve miles.

Mr. Park: I mean in ascending the grade.

Mr. Jones: Descending the grade?

Mr. Park: No, ascending the grade.

Mr. Jones: No.

Mr. Park: How fast do you usually go up?

Mr. Jones: We probably average about eight or ten miles an hour with full tonnage.

Mr. Park: You have a speed restriction going down the grade?

Mr. Jones: Yes, sir.

Mr. Park: So that the movement over that part of the road is quite slow both ascending and descending?

Mr. Jones: Yes, sir.

Mr. Park: Do you have any special devices on your cars there by which the engineer is assisted in controlling the train? I refer to the retainers.

Mr. Jones: Yes, sir, the cars are all equipped with retaining valves.

Mr. Park: While I understand their use, I think it would be well for you to explain to those of the Board who do not, the use of the retaining valves.

Mr. Jones: A retaining valve is a device that is connected or applied to a pipe that leads from the brake cylinder under each car, and at the top, near the roof of the car usually, or at the frame of a low car, there is a little casting that contains a valve, a weighted valve, and when the brakes are released, after an application of the brakes has been made, and the pressure has been stored in the brake cylinder to move the brake piston and apply the brake shoes to the wheels, the valve closes when the handle is turned in a horizontal position, and that requires a resistance—or the valve has a resistance of 15 and 30 pounds, it requires that much pressure. Then they are seated, and remain seated until the pressure is accumulated in those pipes, when they will be released, but retain a pressure of fifteen or thirty pounds in the brake cylinder to assist in recharging the brake pipe, and keep your brakes applied while the brake pipe pressure is being restored.

Mr. Park: That pressure on the wheels is continuous, and without the control of the engineer? That is, he cannot release the last fifteen pounds pressure?

Mr. Jones: If the retaining valves are working he cannot release the last fifteen pounds, that is, if the retaining valves are turned in a horizontal position.

Mr. Park: Is it necessary to change the position of these retaining valves on descending grades?

Mr. Jones: Yes, sir, it is.

Mr. Park: On account of the wheels becoming heated?

Mr. Jones: Well, the wheels would become heated, and then there are portions of the division where you apply the brakes, and release them until you reach the end of the grade; and if the retaining valves were not turned down and the pressure released from the brake cylinder you would be unable to pull a train over the grade, owing to the brakes being applied.

Mr. Park: Does the engineer, under the rules of the Southern Pacific, control the train on the three per cent grade, without the use of hand brakes?

Mr. Jones: Yes, sir, as a rule they do. Now, there are times of the year when we get cars from the southern country, and the packing is dried out, and when a test is made they may hold for a little bit, but at times it is necessary to set some hand brakes, but very seldom. When conditions get that way they

are generally reported, and they immediately get busy and put the cars in condition so that it is not necessary to use hand brakes.

Mr. Park: If it should be necessary to use the hand brakes, have you a signal to indicate to the brakemen that they should be set, a whistle signal?

Mr. Jones: I didn't get that.

Mr. Park: If it should be necessary, if you felt that you were losing control of the train, and it became necessary to set the hand brakes, have you a signal by which you can indicate to the brakeman that he should set the brakes?

Mr. Jones: We have.

Mr. Park: Have you a rule there which requires the brakeman to ride on top of the train?

Mr. Jones: Yes, the brakemen ride on top, descending the grade.

Mr. Park: He must be in position to set the brakes quickly if required?

Mr. Jones: Yes, sir, and note the wheels, see that they do not become overheated, or slide, or break.

Mr. Park: And change the retainers occasionally?

Mr. Jones: Yes, and change the retainers.

Mr. Park: What does the brakeman do passing through the tunnels?

Mr. Jones: Well, the head man generally rides the pilot, and the rear men get into the caboose, and if it looks too bad for him there, why, they get down in the vent of a refrigerator, or an empty somewhere, where there is enough air in there to carry them through.

Mr. Park: Is it not frequently the case that they ride on top of the cars going through the tunnels?

Mr. Jones: No, they wouldn't ride on top of the cars through this tunnel. In the short tunnels they may get back a ways from the engine and ride on top of the cars, it could be done all right.

Mr. Park: On the occasion you have described here, where you attempted to cut the train in two, did the fireman stay on the engine?

Mr. Jones: No, the fireman was on the ground and turned the water on. That is the way I missed him. He got down

on his side, and there was a faucet on the side of the tank there, and he was there and turned the water on, himself.

Mr. Park: Did you have any feeling in not putting in your claim for time lost, that you had violated any rule of the company?

Mr. Jones: No, I did not consider I was entitled to time. I did not know at that time they would pay you for time lost. There was nothing in the Engineers' agreement that they would pay time.

Mr. Park: By attempting to cut the train in two, could not you have created a condition of hazard to the rest of the crew; suppose, after you had turned the angle cock, the brakes had been set on the other part of the train?

Mr. Jones: I guarded against that. I left my engine in a forward motion, with the throttle open. Then, when I saw I could not locate the cock on the front of the engine, I did not make any attempt, because I knew where to get the one on the tank and there could not possibly have anything occurred under those conditions.

Mr. Park: You have been on a number of divisions of the Southern Pacific?

Mr. Jones: Yes, sir.

Mr. Park: Could you have retained your rights on the Sacramento division?

Mr. Jones: I could not, after I had used my rights on the Shasta division. I was only a few days after I had transferred that the division was cut off from the Sacramento division. I would have been no better off on the Sacramento division than I am on this division. We do see daylight on this division occasionally.

Mr. Park: You don't see so much scenery, but the ventilation is better in the snow sheds?

Mr. Jones: As a rule not. During the winter time there is a tunnel for miles.

Mr. Park: But there is ventilation?

Mr. Jones The ventilation isn't like it is in Tunnel 13.

Mr. Park: In the summer time these sheds are telescoped?

Mr. Jones: They usually do at each end of a siding.

Mr. Park: Are you aware that the Southern Pacific has

a number of club houses for engineers and firemen and other employes, located at the terminals?

Mr. Jones: They have them but not on our division. They have a club house and reading room at Dunsmuir, but it is closed after ten o'clock in the evening.

Mr. Park: Is there one at Truckee?

Mr. Jones: There is what is called a railroad hotel at Truckee, and at Roseville.

Mr. Park: There are a number of these houses?

Mr. Jones: Yes, except on the Shasta Division.

Mr. Park: They furnish reading rooms, and magazines and periodicals?

Mr. Jones: No. We haven't one on our division.

Mr. Park: You say you have one at Dunsmuir?

Mr. Jones: Yes, we have a reading room and billiard room and card room.

Mr. Park: Free to the employes?

Mr. Jones: Free to employes, yes, sir.

Mr. Park: You also have a pension system?

Mr. Jones: Yes, sir.

Mr. Park: That is a gratuity, is it not?

Mr. Jones: What is that?

Mr. Park: A gratuity; that is, the employes do not contribute anything to the pension fund?

Mr. Jones: No.

Mr Park: This would be a substantial addition to an engineer's pay, would it not, if an engineer drew $175 a month, we will say, for ten years, and having been in the service of the company forty years, which I understand is your plan there, he would draw 40 per cent of $175 a month, or $70 a month as a pension, when he retired, after forty years' service That would be $840 a year, or 5 per cent on a capital investment of $16,800; and $16,800 spread over forty years would be $35 a month, not figuring simple or compound interest. Now, so far as he is individually concerned, if that is true, it means that he gets $35 a month in addition to his pay check of $175.

Mr. Jones: No, I don't understand that he draws pay from the company, only the pension.

Mr. Park: It does not appear on the pay check, but, as a matter of fact, $16,800 is set apart, upon which he draws this

pension, say at the rate of 5 per cent, giving him $70 per month. Do you know anything about the total amount of pay-out of the pension rolls of the Southern Pacific?

Mr. Jones: I don't know on the system, but on our division I think we had two men pensioned; but they lived only a short time after they were pensioned. I don't think one of the men drew the pension, or he may have drawn a month or two of pension. I understand that we have one man now who has either been granted a pension or has an application in, an engineer.

Mr. Park: Is the desire to create as large an average salary during the last ten years an incentive to the engineers to make the maximum pay per month?

Mr. Jones: It does not seem to be. We have one man out there that is getting along to be 62 years old, and of course it is only a rumor, but it is naturally presumed among the men that he will, before many years, receive a pension; and he does not work—he seems to have a higher regard for his health and life than he does for the pension,—and he does not work to exceed two-thirds of the time, and that is putting a large estimate on it, and his run, I think, pays him, straight time, $167 a month, or $5.72 a day. He is on passenger and runs one of the big superheated Mikados between Ashland and Dunsmuir.

Mr. Park: He averages $160 a month?

Mr. Jones: $167, I think it is. He won't average more than $110 or so per month.

Mr. Park: Has he some physical disability?

Mr. Jones: No, sir, he is as hale and hearty as anybody.

Mr. Park: Is it not a fact that the engineers draw the highest pensions of any of the employes?

Mr. Jones: I don't know how they would rank with the passenger conductors, who run steady all the time. Of course the engineers and passenger conductors, as a rule, are the highest salaried men in the service.

Mr. Park: On the Illinois Central the engineers average 50 per cent more than any other employes—50 per cent more than the conductors, in the pensions they draw, indicating that they have the highest salaries and greatest continuity of service.

Mr. Jones: I don't believe that would be the case with us.

Mr. Park: The pension roll of the Southern Pacific was $300,000 last year, with 688 employes on the pension roll. That

being true, is not that a very considerable addition to the pay of the employes?

Mr. Jones: Well, I think that is a provison that is nothing more than right—it is all right.

Mr. Park: You have a hospital department?

Mr. Jones: Yes, sir.

Mr. Park: Do they take good care of you in case of sickness or injury?

Mr. Jones: I think we have one of the best hospital associations in the country. Of course we pay our monthly dues to the hospital association; the employes keep up the hospital.

Mr. Park: That is 50 cents a month?

Mr. Jones: 50 cents a month.

Mr. Park: You have the finest railroad hospital, in San Francisco, in the world?

Mr. Jones: I have never been in the hospital myself, but I know there have been no complaints of the treatment.

Mr. Park: The company pays part of that in that they take care of personal injuries and accidents out of their own funds?

Mr. Jones: Well, I don't understand that. I understand this hospital fund keeps or supports these accidents, operations, and so forth. I say that there is no complaint against that hospital. You understand that there is no condition but what there has been some little complaint by somebody at some different time. You cannot please everybody in a hospital.

Mr. Park: You are treated whether you are injured or sick?

Mr. Jones: Yes.

Mr. Park: If you have a sore throat or typhoid fever, or anything of that kind, they take care of you just as long as you are sick, no matter what the expense may be?

Mr. Jones: I think there are limits to the time that you can enjoy the privileges of a hospital, but I do not know just what they are; I am not familiar with them, but there are limits, I believe. You could not go there and stay for a year. After a certain lengh of time, if you are incurable, you get out.

Mr. Park: If you were over 61 years of age and had been in the service twenty years, and were totally disabled you could then be retired and go on the pension list?

Mr. Jones: Yes, I believe so.

Mr. Park: The Southern Pacific have the most excellent air brake practice, do they not?

Mr. Jones: It is good; as a rule it is good.

Mr. Park: They pay particular attention to the air?

Mr. Jones: Yes. If they don't, it is on account of the men who have charge of this work becoming slack, and when we call their attention to it, they generally go right after it and see that it is put in first class condition.

Mr. Park: Do you know who is at the head of the air brake construction, Mr. Forney?

Mr. Jones: Mr. Forney is general air brake inspector, I believe that is his title.

Mr. Park: He is considered to be one of the best in the United States?

Mr. Jones: He is a good man, yes, and understands his business thoroughly.

Mr. Park: He was formerly a locomotive engineer?

Mr. Jones: No, I don't think so.

Mr. Park: It is a fact he was. He used to run an engine out of Truckee.

Mr. Jones: I don't understand that, but I understand he fired an engine at Summit.

Mr. Park: That was long before your day, but he was an engineer. The company own an air brake car which they send over the road to instruct engineers in the handling of the air brake?

Mr. Jones: They have not one equipped of their own, but here some months ago there was a man by the name of Petrie, an engineer, I think, road foreman of engines on the Sacramento division, that went over our district with a car fitted with charts, but not the equipment.

Mr. Park: You have models and methods of instruction at district terminals, and roundhouses, do you not?

Mr. Jones: At Dunsmuir I believe they have an air room.

Mr. Park: Could you bid in one of the through runs between Dunsmuir and Ashland if you wanted to?

Mr. Jones: Well, I could not at this time, because they are all occupied.

Mr. Park: Your seniority would not permit you to take one of those runs?

Mr. Jones: My seniority would, if there was a vacancy, but there is no vacancy.

Mr. Park: The reason you are not on one of those runs is because of your own failure to make a bid when there was a vacancy?

Mr. Jones: Yes, I held one for a number of years.

Mr. Park: You could have held one?

Mr. Jones: I could have held that, yes.

Mr. Park: Now, you say you are on the pusher between Hornbrook and Ashland?

Mr. Jones: Yes, sir.

Mr. Park: Is it not a fact that you go through the tunnels much more frequently by reason of being on the pusher than you would if you had been on the through run?

Mr. Jones: Why, yes, we go, through the tunnels oftener, more times in a month, but I don't consider that that has anything to do with the through run. I took the through run to enable me to be at home, and to reduce my expenses, and because it had conditions that were more favorable at the time I took this run; and, if I was not on this run somebody else would be there, and if anyone is to undergo hardships, why, I think it might as well be me as anyone else, and there are certain other conditions connected with the helper that suits me better. And, so long as my seniority entitles me to that run, why, I don't see but what I could enjoy my privileges and remain on there.

Mr. Park: How does the pusher salary compare with that of the through runs?

Mr. Jones: Well, they average up about the same. My run pays $5.57 for straight time, no overtime. I probably average about—well, I don't think I have lost a day in a year, outside of possibly a week or ten days. You understand we would lay off where we are, but conditions are so that the company is at an expense to deadhead a man up there. We are at an outside point where an extra list is not maintained, and I presume my average has been $175 a month.

Mr. Park: You have averaged about $175 a month?

Mr. Jones: On an average, just guessing at it.

Mr. Park: That is all.

The Chairman: What age does one have to attain before he can secure employment as a fireman?

Mr. Jones: Between 21 and 24; I think not over 24.

The Chairman: How many years does he have to serve in order to be qualified to serve as an engineer?

Mr. Jones: I believe three years' experience as a fireman before they will promote you to an engineer. Of course, then, it is a number of years before you get a regular run. There is no one promoted now in three years. We have men there now nine years and not promoted.

The Chairman: That is all.

Mr. Nagel: Do you think that work as hazardous and difficult as you have described yours to be should demand better compensation than the usual engineers' and firemen's work?

Mr. Jones: How was that about the compensation?

Mr. Nagel: Do you think that work such as you have described this to be should command a higher compensation?

Mr. Jones: I do.

Mr. Nagel: Than the usual engineer's work?

Mr. Jones: Well, I figure that an engineer, the time that he puts in to learn the business and work himself up to a run, should have good wages, and I believe that any engineer, any engineer in any service, should make $200 or over a month, and not be compelled to work excessive hours to make it.

Mr. Nagel: You are addressing yourself to the question of general compensation for engineers?

Mr. Jones: Yes, sir.

Mr. Nagel: I want to know whether the work that you have described—

Mr. Jones: Yes, sir.

Mr. Nagel: The work that you do, which appears to be particularly hazardous and difficult—

Mr. Jones: Yes, sir.

Mr. Nagel: Should command a better compensation than the usual work done by an engineer?

Mr. Jones: Well, I think on these particular mountain districts, that the men should have more money, for the conditions are such that they cannot earn the money that a valley man can make. We make hours while they make miles.

Mr. Nagel: Well, again, you place it upon a ground that I

haven't in mind. Do you think that the character of work, the hazardous, difficult character of your work, should be compensated better than the ordinary work?

Mr. Jones: Well, while we have our hazards, there are hazards connected with other lines with less grade, or what we call valley divisions, such as running in and out of terminals at a high rate of speed, that will offset the hazards that we assume.

Mr. Nagel: In other words, you think that the hazards of the different work come to about the same thing?

Mr. Jones: About the same standard, I should judge.

Mr. Nagel: That is all.

Mr. Burgess: Mr. Jones, are you in a representative position for the locomotive engineers, commonly known as Chairman for that particular territory?

Mr. Jones: I am Local Chairman of Division 425, located at Dunsmuir, California.

Mr. Burgess: So, the purpose of your testimony at this hearing is to set forth the true conditions of service that confront the engineers and firemen on that particular division of the Southern Pacific Railway, is it not?

Mr. Jones: It is.

Mr. Burgess: And, whether you exercised your seniority rights or not, it would be a fact that some of the engineers would have to perform this service?

Mr. Jones: They certainly would.

Mr. Burgess: If I remember correctly, Mr. Jones, in answer to a question from Mr. Park, you stated the brakeman in passing through that tunnel rode on the pilot of the engine?

Mr. Jones: Of the leading engine.

Mr. Burgess: Of the leading engine?

Mr. Jones: That is, one brakeman does.

Mr. Burgess: Why does he select that position?

Mr. Jones: Well, the gas and smoke, and everything comes back, and if anything happens in there he can run ahead and get out. He doesn't get this heat that we get back in the cab, that whips in around the side of the tunnel, and up underneath.

Mr. Burgess: Where does the conductor ride?

Mr. Jones: In the caboose. You understand, they open the doors and windows before they run into these tunnels and

fill the caboose with fresh air, and that will last quite a while.

Mr. Burgess: Mr. Jones, in the ordinary practice of operating, it is quite common for the road foreman of engines, the trainmaster, or the assistant trainmaster, to frequently ride on locomotives, is it not?

Mr. Jones: Yes, sir.

Mr. Burgess: Won't you kindly tell the Board where these officers ride, in passing through the tunnel that you have described.

Mr. Jones: Well, I never knew of one of them to ride through Tunnel 13. I have known them to ride through the shorter tunnels, but I never knew of one of them to ride the second, third, fourth, fifth or sixth engine through Tunnel 13. The man who is trainmaster there now, when he was running a train, was carried out of that tunnel once before; he was on the pilot at the time they broke in two in there, and he was carried out and I don't think he will ride on it.

Mr. Burgess: How long did you say you have been an engineer on the helper engine?

Mr. Jones: Nearly three years; somewhere in that neighborhood.

Mr. Burgess: During that time, you have never known one of these officers, that have been named, to ride on a locomotive through that tunnel?

Mr. Jones: Personally, I never have. I don't believe there has been a case.

Mr. Burgess: Now, Mr. Jones, could not the conditions be materially improved going through that tunnel, if the tonnage per train was decreased three or four hundred tons?

Mr. Jones: Why, the less time consumed in going through the tunnels, the less suffering you endure, or the easier it is for the men to go through, of course.

Mr. Burgess: And if the tonnage was decreased you could go through the tunnel quicker?

Mr. Jones: Oh, yes.

Mr. Burgess: So, the engineers and firemen believe that if they are required to haul these heavy tonnage trains through that particular tunnel, or other similar tunnels, that they are deserving of greater compensation.

Mr. Jones: Yes, sir. Now, if the company is unable to

pay a higher rate, why, arrangements should be made, I believe, to adjust their revenues so they can pay a higher rate, because we feel and know that for the work we are performing we deserve more wages than we ar receiving.

Now, I do not know and I cannot say, as to what they are prepared to do, but if they are not prepared to pay us for the hazards we assume in moving these trains under present conditions, then conditions should be brought about so that the revenue would justify it.

Mr. Burgess: I believe you stated you received $5.57 for ten hours' work in helper service, is that right?

Mr. Jones: $5.57, yes, sir.

Mr. Burgess: And before you go on the road you have to prepare your engine, which is thirty minutes, is it not?

Mr. Jones: You can figure fifty, from the time we enter the service of the company. We are compelled to go to the depot and compare our watch with the standard time. That is the first thing we do after we are called, after we get our meal. And, then, from that time on until the time you leave you are pretty busy, by the time you get around one of those engines.

Mr. Burgess: And before any overtime would accrue, it would be necessary to work ten hours and thirty minutes on the rail, would it not?

Mr. Jones: On the rail? No, ten hours.

Mr. Burgess: Ten hours, and then give thirty minutes in addition to that, before you would obtain any overtime?

Mr. Jones: Well, we give the fifty minutes at the beginning of the trip.

Mr. Burgess: Yes.

Mr. Jones: Yes, sir.

Mr. Burgess: And then you work ten hours?

Mr. Jones: Ten hours.

Mr. Burgess: And if you work ten hours and twenty-nine minutes, would you receive additional compensation?

Mr. Jones: We would receive the twenty-nine minutes.

Mr. Burgess: Twenty-nine minutes only?

Mr. Jones: Yes, sir.

Mr. Burgess: Now, Mr. Jones, in regard to the pension system on the Southern Pacific, in reply to Mr. Park's question, you stated that on your division, if I remember correctly, there

were only two men received a pension, and they died very shortly after they were pensioned, is that correct?

Mr. Jones: One of those men had a run where the mileage was excessive. There should have been two men on the run, but he was the oldest man on the list. The engine was a good engine, a small engine; the train was light, and it was a run that a man could, by punishing himself, make a high rate of pay on. And, I heard an official say myself that it was not right to see that man staying on that engine and kill himself, which he did.

He was hale and hearty, about 63 or 64 years old, I guess, and when he did break he died in less than—well, a few months. And we knew that he would. We knew he would kill himself, but he wanted—at least, I presume maybe that was his object—knowing that he would soon be pensioned, and I understand also that he had purchased some land and he wanted to pay out on it so when he did retire he could go out on this ranch and live, but he did not live to get out on the ranch.

Mr. Burgess: In your judgment, as a practical engineer, performing that service daily, is it your judgment that, if an engineer is required to operate on that territory for twenty years, that that of itself serves to almost guarantee the company that they will not have very much pensions to pay?

Mr. Jones: No, I don't think they will last long after they retire.

Mr. Burgess: In other words, the man's vitality is very nearly exhausted if he runs there twenty years?

Mr. Jones: Yes, sir.

Mr. Burgess: If the company, Mr. Jones, reduced the tonnage three or four hundred tons, that, of course would increase the cost per ton per mile in the recapitulation of the company's yearly service would it not? In other words, if they reduced the tonnage of the train?

Mr. Jones: Oh, it would cost them more to handle the business if they would cut the train in two and run three engine trains, but they say they cannot do that and make expenses on these mountain grades. It costs so much money to transport this business, that they must confine these cars into one train, and get as many as they can between the engine and

the caboose, and run as heavy power as possible in order to reduce the number of train and engine crews.

Mr. Burgess: So, the engineers feel, and the firemen also, that inasmuch as they contribute materially to this condition, that they should be compensated for the hardship, physical suffering, and mental anxiety in going through the tunnel?

Mr. Jones: Yes, and I believe that anybody that had a carload of goods to ship into that western country, that had to go through the tunnels of any mountain district in the west, and follow their car through there, they would not hesitate a minute to say "Boys, you don't get the money you should receive."

Mr. Burgess: And, the real intent of your testimony here, is to, if possible, justify the request wherein the engineers desire 10 per cent increase in mountain territory?

Mr. Jones: Yes, or as much more as it could be possible to get. Now, you understand—

Mr. Burgess: It is limited to 10 per cent?

Mr. Park: How many engineers are there between Dunsmuir and Ashland, including the helper engineers?

Mr. Jones: Eight freight engineers, through freight engineers. There are three local freight engineers, there are six passenger engineers, and there are eleven helper engineers.

Mr. Park: That is twenty-eight engineers?

Mr. Jones: Twenty-eight, is it?

Mr. Park: Do you know your rank in the twenty-eight?

Mr. Jones: I think there are six engineers that have more seniority than I have, and then there are eight helper engineers that have greater seniority than I have, and there are, I believe, three pool engineers or through freight engineers that have more seniority than I have.

Mr. Park: So there are seventeen engineers that have greater seniority than you?

Mr. Jones: I think that is about right.

Mr. Park: How long have you been there?

Mr. Jones: Thirteen years.

Mr. Park: So that all of them have been there longer than thirteen years?

Mr. Jones: Yes, sir.

Mr. Park: Do you know how long the oldest has been there?

Mr. Jones: The oldest freight man?

Mr. Park: No, the oldest passenger man.

Mr. Jones: Well, I could tell you if I had a seniority list, but I haven't one here.

Mr. Park: Approximately—twenty-five or thirty years?

Mr. Jones: Possibly the oldest man on the division has been there twenty-five years. I think it is safe to say he has.

Mr. Park: You say you work every day?

Mr. Jones: Yes, I work every day. I don't know how long I can work every day, but as long as I can I guess I will be compelled to do it.

Mr. Park: How many freight trains do you say you operate a day, in both directions?

Mr. Jones: You mean how many we actually run?

Mr. Park: Yes.

Mr. Jones: Well, we run a through freight each way a day and one local, but the local is running, in the last few months, with from three to five engines, on the way over. We used to, a few months ago—we would run a through freight and an extra, too; now instead of running that extra about every two or three days, these cars are put in the local and five engines placed on the local, instead of running the local with one or two engines.

Mr. Park: So that you have at times six freight trains a day over the division?

Mr. Jones: Four.

Mr. Park: Four now is the minimum? You say business is dull?

Mr. Jones: Yes, sir.

Mr. Park: What would be a fair average, say, during good business? Would it be six trains a day or eight?

Mr. Jones: It would be about four, or two through freight trains each way a day. That is good business with us.

Mr. Park: And the locals?

Mr. Jones: And the locals.

Mr. Park: You are running now four trains a day?

Mr. Jones: Two through trains and two locals, yes.

Mr. Park: I thought you said that that was the minimum, that you were down to the minimum?

Mr. Jones: Yes, we are now.

Mr. Park: What would the maximum be, the maximum number of trains?

Mr. Jones: About two 5-engine trains a day each way.

Mr. Park: Just the same?

Mr. Jones: That is two each way a day. Now, we are running one each way a day.

Mr. Park: Two each way a day?

Mr. Jones: Yes, sir.

Mr. Park: You have six passenger trains?

Mr. Jones: Three passenger trains each way a day.

Mr. Park: Six passenger trains?

Mr. Jones: Yes.

Mr. Park: If you cut the freight trains in two in order to accelerate your speed through these tunnels, you would double the number of freight trains on the road?

Mr. Jones: Yes, sir.

Mr. Park: Do you know how long it takes the smoke in the tunnel at Summit to clear itself? Have you ever observed that?

Mr. Jones: Through my experience there, I understood them to say afterwards that it was about twenty minutes before they could see far enough into the tunnel to distinguish anything, you know, so I should judge it would require about fifteen to twenty minutes to clear.

Mr. Park: So that, when you go into the tunnel with the minimum number of trains, you have practically a clear atmosphere?

Mr. Jones: Yes, sir.

Mr. Park: The atmosphere in that locality at a high altitude is very clear ordinarily, is it not?

Mr. Jones: Ordinarily it is, a little light.

Mr. Park: Mr. Stone asked you about rule 93. That rule is the standard code rule of the American Railway Association in effect on all railroads in the United States?

Mr. Jones: Yes, and abused some places.

Mr. Park: You say it is impossible to comply with that

rule under certain conditions. Do I understand you are not able to run under control at Hornbrook?

Mr. Jones: With a fog at Hornbrook, it would be impossible to comply with that rule, the grade is light, but Hornbrook is a place where the retainers are turned down, when approaching Hornbrook, in releasing your brake, and if something would show up immediately before you, it would be impossible to stop and prevent an accident.

Mr. Park: That is going down grade?

Mr. Jones: There is nothing impossible with a general manager, there is nothing impossible. I say it is impossible to observe that rule. We can flag, we can stop and send a flag ahead, but it is not practical. They tell you if anything happens, "We were into clear and you should have flagged down there if you could not see." That is what the rule says, where you cannot see, but you cannot flag every station on the division and get in, under the rule.

Mr. Park: Then, really, the rule is not impossible of appliance, but impracticable of appliance?

Mr. Jones: Yes, I would term it that way.

Mr. Park: That rule has been adopted for the protection of your life and the lives of other engineers, as well as the property of the company, to prevent accidents, under the conditions that might exist there.

Mr. Jones: No, I don't think so. I think that proper protection is protection by flag.

Mr. Park: You differ with the framers of this rule then in that particular?

Mr. Jones: I presume I do.

Mr. Park: Do you have automatic signals on that district?

Mr. Jones: Part of it, about thirty-six miles, I think.

Mr. Park: Do you have automatic signals between Hornbrook and Ashland?

Mr. Jones: Only at the entrance for the protection of two tunnels, 13 and 14.

Mr. Park: I think that is all.

The Chairman: Mr. Shea, do you desire to ask some questions?

Mr. Shea: Yes. Mr. Jones, are you familiar with the

rates per mile for passenger fares, or freight rates on the Southern Pacific Railroad?

Mr. Jones: I am not.

Mr. Shea: Do you know whether or not it is a fact that they charge a higher rate per mile for passengers or freight in the mountainous territory?

Mr. Jones: I have understood so. I don't know positively.

Mr. Shea: That is all.

Mr. Sheean: I just wanted to ask you one or two questions, Mr. Jones, in respect to the questions asked you this morning, about the differential between valley and mountain. On this road which you have described between Dunsmuir and Ashland, the mileage is 107 miles, is it not?

Mr. Jones: Yes, sir.

Mr. Sheean: You are now paid under the schedule of the Southern Pacific for 138 miles?

Mr. Jones: Thirty-one constructive miles.

Mr. Sheean: So that the differential recognized by virtue of the peculiar conditions which you have described here, is practically a differential of 30 per cent on that particular division, instead of ten, isn't it? That is, for 107 actual miles you are, because of the peculiarities and conditions which you have described here, allowed the same pay that you would receive for running 138 miles in the valley?

Mr. Jones: That is, in freight, nothing for passenger.

Mr. Sheean: You have described simply a through freight trip?

Mr. Jones: Yes, sir.

Mr. Sheean: That is, running that 107 miles through this territory that you have described, you are paid, on the engine that you operate there, $8.24 for each trip?

Mr. Jones: Yes, sir.

Mr. Sheean: Which, if made in—

Mr. Jones: Ten hours and forty-two minutes, schedule.

Mr. Sheean: 138 miles at the rate of what?

Mr. Jones: $5.97.

Mr. Sheean: In other words, a rate per day of $5.97 produces on this run that you have described $8.24 each time that you go over that division?

Mr. Jones: Yes, sir.

Mr. Sheean: So that the differential now recognized on this particular division is approximately 30 per cent between valley and mountain rates?

Mr. Jones: Whatever it would figure. The rate is higher.

Mr. Sheean: It is paying 138 miles for 107 actual miles.

Mr. Jones: You understand, if it was possible for us to make the miles in the number of hours—suppose we made a minimum of 20 miles an hour in ten hours, the same length of time that we are now allowed, I would still make a greater mileage and more money. We cannot make it, we are loaded down and we cannot make six miles an hour at times on the grades.

Mr. Sheean: Well, Mr. Jones, as I understood your testimony here, the very high grades on this particular division would, as a matter of safety and as a matter of prudent operation, limit the speed of any trains operated over that division, would they not?

Mr. Jones: Necessarily you would have to limit the speed, because the wheels would burn up. You take cars running in this country, they may run here for years, but if you get them out there, before you go four miles, old cracks will open up that they have been unable to find until the wheel became heated.

Mr. Sheean: Whatever the causes or whatever the reasons, in your judgment, requiring or justifying a differential between valley and mountain rates, the fact is that, on this particular division, they do allow you 138 miles for 107 miles actually run?

Mr. Jones: That is customary on all mountain districts, I believe, to allow constructive mileage for mountain service.

Mr. Sheean: And, do you think that a hard and fast percentage, cutting down the 30 per cent allowed here, to a 10 per cent differential, would be uniformly just to all the men, irrespective of the peculiarities of the particular mountain over which they were operating?

Mr. Jones: No, sir. I do not understand that that would be equitable at all.

Mr. Sheean: You think that each mountain territory, and the hazards and hardships that there may be in that, should be adjusted to meet that particular situation?

Mr. Jones: I think so, and in line with the general conditions that we think entitle us to an increase at the present time;

not what happened years ago, you know—that is passed and gone.

Mr. Sheean: I think that is all, Mr. Jones.

RE-DIRECT EXAMINATION.

Mr. Stone: Mr. Jones, in that constructive mileage of 138 miles allowed for 107 actual miles, is it not a fact that the company, by allowing this differential, recognizes the fact that there should be a 30 per cent differential instead of a ten per cent as we ask for.

Mr. Sheean: Do I understand if that 10 per cent was awarded, that that 30 per cent would be wiped out?

Mr. Stone: No, we have still got the saving clause for just such a situation.

Mr. Sheean: And you add the 10 per cent on top of the 30 per cent?

Mr. Stone: If the condition was better than what the award was, we would take the conditions.

Mr. Sheean: Is the request in addition to the differential now recognized, as it intended that another 10 per cent should be added to that?

Mr. Stone: I think there should be about three 10 per cents added for this condition that this man is working under, if you are asking my opinion—I am not a witness. (Addressing the witness.) Is it not a fact that the Southern Pacific does not allow this constructive mileage for helper service?

Mr. Jones: No, you get nothing for helper service.

Mr. Stone: Nothing for helper service?

Mr. Jones: Actual miles and ten hours.

Mr. Stone: I am particularly interested in regard to that pension plan that the gentleman has pictured in such glowing colors. If a man has been at work forty years, which would you rather have, the $35 a month or the prospect of getting $35 a month forty years from now?

Mr. Jones: I believe I had rather have it for the next fifteen years than to get it for three or four months after I was pensioned and before I die.

Mr. Stone: In case you worked there forty years on that particular division—or these men that have been working there

for forty years, do you think there will be a very large percentage of them left?

Mr. Jones: A locomotive engineer is like an engine; they use him until he has to go in for general repairs, and then they tie him up.

Mr. Stone: Coming back to that question of the hospital on the Southern Pacific—and I realize that they are the best of the kind—is it not a fact that the hospital will not take any contagious disease of any kind?

Mr. Jones: I understand that they will not.

Mr. Stone: Is it not also a fact that if you become injured, for example riding on a street car, or knocked down on the street, or injured in any way except in the company's service, they would not take you in the hospital?

Mr. Jones: Oh, yes, they will.

Mr. Stone: Always?

Mr. Jones: I think so. I am almost positive you are entitled to hospital treatment.

Mr. Stone: You are entitled to the services of the hospital doctor, but are you entitled to the use of the hospital?

Mr. Jones: I think you are. I know they give you the treatment all right. I know of one case in particular where the man was treated, and treated right by the hospital department.

Mr. Stone: Speaking of the question of pusher and helper service, is it not a fact that the man in pusher service is practically on duty all the time?

Mr. Jones: Yes. If I have been on duty off and on for twenty hours, and I would have time, under the law, to make another trip, and was not at home or where I could be found, and a train would be delayed, I would be held responsible and disciplined.

Mr. Stone: Then, it is really true that men in the helper service are subject to the law that says sixteen hours in the aggregate, in any twenty-four hour period; does that apply to the helper men?

Mr. Jones: Yes.

Mr. Stone: And, you are subject to call at any time in the twenty-four hour period until you have used up that many hours?

Mr. Jones: I am.

Mr. Stone: In that respect you differ from the freight man, who, after he has made his trip, does have his time to himself?

Mr. Jones: It is usually understood that when they go over their division and they haven't ample time to return that day, or until they have completed the rest, under the law, of eight hours and thirty minutes—eight hours, with the thirty minutes preparatory time.

Mr. Stone: Coming down to that question of increase of hazard by your action in trying to cut your engines off; is it not thoroughly understood in all the tunnels that the minute you are stalled you have to do one thing or the other, either cut and double, or cut off and back out?

Mr. Jones: Yes.

Mr. Stone: The men have to do that for their protection, do they not?

Mr. Jones: A man naturally would do anything that he could to save his life.

Mr. Stone: Is it a common practice, the minute you stall, that you either cut your train in two and double, or cut off the helpers and back out?

Mr. Jones: Yes. I have heard men say that if they were caught in there, that they would cut in their valve and shove them one way or the other, regardless of the consequences.

Mr. Stone: The last desperate resort, just like a man catching at a straw. He is trying to save his life?

Mr. Jones: When you make up your mind your time has come, you are liable to do most anything to keep from going across the river.

Mr. Stone: I guess that is right. We won't argue with you about that.

Mr. Park: In cases of great risk or hazard, isn't it absolutely necessary to have clearly defined rules, specifying what each individual will do under such emergencies?

Mr. Jones: If you can get them to do it, yes. The conditions are not always so that they will do it. We could have rules the same as a fire drill as to what we would do; but the circumstances as they occur would not permit us to carry out those rules, through confusion or something of that kind, so

they really would make a worse job than if you said nothing and did the best you could.

Mr. Park: If one engineer attempted to go in one direction in an emergency, and the other in the other direction, there might be trouble?

Mr. Jones: Yes.

Mr. Park: And it would cause confusion and extra hazard?

Mr. Jones: Yes.

Mr. Park: If your minds did not work the same way; if the engineer just ahead of you wanted to go ahead and you thought you ought to go back, in the absence of rules, both exercising their own judgment, as influenced by the conditions existing at that time, you would have confusion, would you not?

Mr. Jones: Yes.

Mr. Park: There must be a definite and clear understanding as to what shall be done?

Mr. Jones: Yes, if it is possible to have an understanding; but I do not believe it would be possible, because the conditions would not warrant it.

Mr. Park: As a matter of fact, was there a train on the side track at the portal, at the north portal, on this occasion?

Mr. Jones: Yes, there were some cars tied up on the siding.

Mr. Park: Did your train pull in on the siding at that time, or did they pull down on the main line?

Mr. Jones: Oh, yes, went in on the siding. The passenger train came up the main line. You understand this is not a personal matter with me. I am not here fighting the general managers; I am trying to tell you the way the conditions are, and represent my colleagues and put our case up to you in a way I believe you will understand the conditions—I hope you will at any rate.

Mr. Park: We want to get a clear understanding of the conditions that exist there. I have been through those tunnels personally and know just what the conditions are. I simply wanted to draw out from you all the conditions that surround it.

Mr. Stone: In regard to that particular case, just spoken of, where one man wanted to go ahead and one man wanted to back, the result would probably be that they would hold a coroner's inquest on both?

Mr. Jones: Yes.

Mr. Park: I agree with that.

Mr. Stone: Mr. Jones, I want to ask you one more question—I overlooked this,—it is not on your testimony, and, if it is not admissible, it will be all right, Mr. Chairman. (Addressing the witness.) Has there been any attempt on the part of the company to change the nature of your service, or the payment for the same by the moving of yard limit boards beyond some stations and then claiming service for which road rates were formerly paid,—on your division I mean.

Mr. Jones: On my particular division?

Mr. Stone: Yes.

Mr. Jones: It affects us. There has been a change of that kind made that affects our division, but it really should affect the men on another division.

Mr. Stone: But not in your class of service?

Mr. Jones: Not our class of service.

Mr. Burgess: Mr. Jones, referring to the retainer valves spoken of by Mr. Park, is it not the fact that the retaining valve is a part of the air brake equipment, and is found on the cars in the valleys and used on many railroads in the United States?

Mr. Jones: On all railroads. The equipment of a car is not complete without a retaining valve, and cannot be handled on a grade without retaining valves; one of the most essential parts of the brake equipment. You could not take a passenger train down our grades—you could not take two cars down our grades, without the retaining valve.

Mr. Burgess: In regard to the question pertaining to the time you got off your engine and attempted to cut off and back out, is it not a fact that, at that particular time, any action you took was an effort to save your life?

Mr. Jones: Yes, and the lives of those behind us and ahead of us.

Mr. Burgess: If you were walking to your hotel and a gentleman, or a man, accosted you and said he was going to shoot you, and you believed he was, you would not be inclined to think of the state laws or the country's laws at that time, would you?

Mr. Jones: No, the chances are I would be all in when he told me.

Mr. Burgess: You would take the necessary precautions to protect your life?

Mr. Jones: Yes.

Mr. Burgess: That is all.

The Chairman: Call you next witness.

Mr. Stone: I will call Mr. Kearns. This witness, Mr. Chairman, is employed on the other division of the Southern Pacific, the one that Mr. Jones left, or the division between Sparks, Nevada, and Roseville, California, and is running one of the heaviest type of Mallet compounds, running through what is called the "Underground Division" of the Southern Pacific; I think some thirty-five to thirty-eight tunnels and about thirty-five miles of snow sheds.

OWEN KEARNS was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: What class of service are you in at the present time?

Mr. Kearns: Freight service.

Mr. Stone: You are at the present time in the employ of the Southern Pacific?

Mr. Kearns: Yes, sir.

Mr. Stone: How many years have you been in this class of service?

Mr. Kearns: Twelve years and four months.

Mr. Stone: Are you a hired man or a promoted man?

Mr. Kearns: Hired.

Mr. Stone: What class of engine are you now running?

Mr. Kearns: Mallet compound.

Mr. Stone: What is the weight on drivers?

Mr. Kearns: From 394,000 to 401,000.

Mr. Stone: Has there been any material increase in the tonnage rating of your engines since 1910?

Mr. Kearns: Yes, sir.

Mr. Stone: Explain to the Board how much increase there has been?

Mr. Kearns: There has been an increase of 76½ per cent between Roseville and Colfax, and 43 per cent between Truckee and Sparks.

Mr. Stone: How were these increases brought about?

Mr. Kearns: By the changes in grade.

Mr. Stone: By reducing the grade line?

Mr. Kearns: Yes, sir.

Mr. Stone: So as to enable the same class of engine to haul heavier tonnage?

Mr. Kearns: Yes, sir.

Mr. Stone: Has there been any material change in the working conditions on your district since 1910?

Mr. Kearns: Yes, sir.

Mr. Stone: Will you please explain to the Board in what way?

Mr. Kearns: Well, since December 1, 1913, all crews in freight service were required to run from Roseville to Sparks, a distance of one hundred and forty miles. Prior to that time they cut at Blue Canyon, a distance of sixty miles from Roseville and eighty miles from Sparks.

Mr. Stone: Why was this done; why was it that you used to cut at Blue Canyon?

Mr. Kearns: It was on account of not being able to make the through trip within the sixteen hours.

Mr. Stone: Since the grade line has been reduced, you do make it in sixteen hours?

Mr. Kearns: Yes, sir, some of the time.

Mr. Stone: Not always?

Mr. Kearns: No, sir.

Mr. Stone: When the crews were cut out at Blue Canyon you were paid one hundred miles for the trip, were you not?

Mr. Kearns: In most every case, except where we make a double on that same day, which did not happen very often.

Mr. Stone: And, at that time, when they cut out there, because the mileage was less than one hundred, your overtime was computed on a basis of 12½ miles an hour?

Mr. Kearns: Yes, sir.

Mr. Stone: And, now that you run through and the distance is beyond one hundred miles, the overtime is computed on the basis of ten miles an hour, is it not?

Mr. Kearns: Yes, sir.

Mr. Stone: So by getting the advantage of a long division beyond one hundred miles, they change the basis for computing

—the basis of computing the overtime from eight hours to ten hours, or from 12½ to 10 miles an hour basis?

Mr. Kearns: Yes, sir.

Mr. Stone: That brings about a reduction of about 12½ cents an hour, does it not?

Mr. Kearns: Yes, sir.

Mr. Stone: By running these trains through Blue Canyon and making the division Roseville, California to Sparks, Nevada, the company saves 132 miles in pay, does it not, by that—that is, constructive miles?

Mr. Kearns: On the eastward trains.

Mr. Stone: And on westbound trains they save how much?

Mr. Kearns: Forty miles.

Mr. Stone: Your hours are very long on this division, are they not?

Mr. Kearns: Yes, sir.

Mr. Stone: Tie-ups under the law are quite frequent?

Mr. Kearns: Yes, sir.

Mr. Stone: Well, when tied up, what are the conditions, do they tie you up always where there is a good bed to sleep in and plenty to eat, or do they tie you up wherever the law overtakes you?

Mr. Kearns: No, they make it a point to get us to a place where they have accommodations.

Mr. Stone: Do they always do that?

Mr. Kearns: In most every case, yes, sir.

Mr. Stone: Have you found your work has increased since this type of engine—I mean the preparatory time—has been placed in service?

Mr. Kearns: Yes, sir.

Mr. Stone: About how long does it take you to get ready for the trip?

Mr. Kearns: We are required to be on duty thirty minutes before the leaving time of the train, and we prepare the engine for the trip, pump up the air on the train and test the air brakes.

Mr. Stone: Can you get a Mallet compound engine ready in that time and do her justice?

Mr. Kearns: Yes, sir.

Mr. Stone: Do you fill your grease cups?

Mr. Kearns: No, sir.

Mr. Stone: Well, if you had to fill all twenty grease cups on a Mallet compound, you could not get her ready in that time, could you?

Mr. Kearns: No, sir.

Mr. Stone: In that thirty minutes preparatory time; are you paid for that?

Mr. Kearns: No, sir.

Mr. Stone: But in computing your time, under the law, your time begins from the time you assume responsibility, does it not?

Mr. Kearns: Yes, sir.

Mr. Stone: And that would be thirty minutes before the leaving time of the train.

Mr. Kearns: Yes, sir.

Mr. Stone: So you really give thirty minutes for which you receive no pay, and yet this is counted in computing the time you are allowed to work, under the law?

Mr. Kearns: Yes, sir.

Mr. Stone: About what are your average earnings per month?

Mr. Kearns: I average about $200 a month.

Mr. Stone: That will hold good for both freight and passenger men on that district?

Mr. Kearns: Yes, sir.

Mr. Stone: How many Mallet engines are there on your district?

Mr. Kearns: I think there are about twenty-five in service now.

Mr. Stone: Is it not a fact that when those Mallets were purchased by the company, and put into service, that they displaced the lighter engines?

Mr. Kearns: Yes, sir.

Mr. Stone: So these twenty-five engines today are doing the work of fifty engines that they replaced?

Mr. Kearns: Yes, sir.

Mr. Stone: That means that the engine crews have been reduced from fifty engine crews to twenty-five engine crews, on that division, operating those engines?

Mr. Kearns: Approximately that many.

Mr. Stone: When these engines went into service, and took

the place of two crews and two engines, did you get double the pay of the other engine?

Mr. Kearns: No, sir.

Mr. Stone: What increase did you get?

Mr. Kearns: We got a dollar a hundred over the rates of pay for the class of engines that we ran prior to that time.

Mr. Stone: Is it not a fact that the rules of the Southern Pacific road require you to take your own engine out of the roundhouse?

Mr. Kearns: Yes, sir.

Mr. Stone: They have no hostlers?

Mr. Kearns: At Roseville, the engines are taken out of the roundhouse, because the roundhouse has not been big enough to take care of them before, they left them outside; but at Sparks we take our own engines out.

Mr. Stone: Yet the fact remains that you are held responsible for the engine from the time you go on duty, are you not?

Mr. Kearns: Yes, sir.

Mr. Stone: Is it not a fact that a number of engineers have been disciplined, either for derailment or other trouble that occurred from the time that they resumed their duty and before their pay began?

Mr. Kearns: Yes.

Mr. Stone: Have you noticed any difference in the cost of living between 1910 and the present time?

Mr. Kearns: Yes, sir.

Mr. Stone: Has it increased or decreased?

Mr. Kearns: Increased.

Mr. Stone: Can you give a general idea of how much?

Mr. Kearns: It has increased for the engineers employed in that district, on account of being away from their homes, and the meal stations at intermediate points have increased from 25 cents a meal to 35 and 40.

Mr. Stone: Do you pay more for bed and room than you used to?

Mr. Kearns: Not any more; no.

Mr. Stone: The price of beds has remained the same?

Mr. Kearns: Yes.

Mr. Stone: Has there been any increase in the cost of living for your family, such as house rent, grocery bills, and so forth?

Mr. Kearns: I think the cost of groceries and meat has increased a little, but I don't know how much.

Mr. Stone: What tonnage were you pulling with the engine before the present class, do you recall?

Mr. Kearns: With the Consolidation engine?

Mr. Stone: Yes.

Mr. Kearns: We were pulling 960,000 pounds.

Mr. Stone: What are you pulling with the Mallet?

Mr. Kearns: 2,255,000 pounds.

Mr. Stone: You have quite a number of tunnels on this particular division, do you not?

Mr. Kearns: Yes, sir.

Mr. Stone: How many?

Mr. Kearns: 32.

Mr. Stone: 32 tunnels?

Mr. Kearns: Yes, sir.

Mr. Stone: Were they constructed years ago, and are they small, like many of the other tunnels through the west?

Mr. Kearns: No, there are several of them that have been constructed within the last six years; there were thirteen of them that were constructed years ago, and the longest one is about 2,000 feet long; that is an old tunnel.

Mr. Stone: Those Mallet engines fit them pretty close, don't they?

Mr. Kearns: Yes, sir.

Mr. Stone: You are running a class of engine that is an oil burner?

Mr. Kearns: Yes.

Mr. Stone: One of the Mallets that backs up and trails the tank after?

Mr. Kearns: Yes, sir.

Mr. Stone: Why did they reverse them and run them in that condition?

Mr. Kearns: On account of the smoke and gases from the firebox, the engineers could not stand the heat in the tunnels, and the engines were so large we could not see the signals.

Mr. Stone: So now, with your arrangement of the locomotive you are riding right out in front?

Mr. Kearns: Yes, sir.

Mr. Stone: The same on one of these other engines as if you were riding on the pilot?

Mr. Kearns: Yes.

Mr. Stone: Except that the cab is first and the engine is backing up?

Mr. Kearns: Yes.

Mr. Stone: It would not be possible to do that with a coal burner, would it?

Mr. Kearns: No.

Mr. Stone: Because the fireman could not get fuel to the engine. How many miles of snow sheds have you on this division?

Mr. Kearns: We have thirty miles of solid snow sheds, and a few miles of shed in different places, but there are thirty miles of shed that are solid, with the exception of a few openings of forty to fifty feet.

Mr. Stone: What are the openings for, ventilation?

Mr. Kearns: Yes, sir. They are open in summer, but most of them are closed in the winter.

Mr. Stone: In the winter time, upon the mountains, the snow drifts over the top of these sheds in many places. That is what they are for, is it not, to keep the heavy snow fall off the track?

Mr. Kearns: Yes.

Mr. Stone: And the snow slides?

Mr. Kearns: Yes.

Mr. Stone: When the snow gets over them, several feet over the top, they are practically just as tight as a tunnel, are they not?

Mr. Kearns: Nearly so, yes.

Mr. Stone: You have also had quite a lot of trouble on that division, have you not, from the heat from these engines; the men suffered for years with it?

Mr. Kearns: Yes, but not so much since we have the Mallets backing up.

Mr. Stone: Prior to that time it used to be quite common to turn the hose on each other to keep the fire down?

Mr. Kearns: Oh, yes.

Mr. Stone: To cool you off?

Mr. Kearns: Yes.

Mr. Stone: Then, your experience is that the work required of an engineer before leaving and on the road handling his train has increased materially in the last few years?

Mr. Kearns: Yes, sir.

Mr. Stone: I think that is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Kearns, what railroad did you come to the Southern Pacific from?

Mr. Kearns: From the Colorado Springs & Cripple Creek District Railroad.

Mr. Sheean: How long had you been an engineer before you came to the Southern Pacific?

Mr. Kearns: About five years.

Mr. Sheean: So that you have been an engineer, all told, a little over seventeen years?

Mr. Kearns: Yes, sir.

Mr. Sheean: How old are you, Mr. Kearns?

Mr. Kearns: 39.

Mr. Sheean: So that you became an engineer about 22?

Mr. Kearns: Yes.

Mr. Sheean: How long did you fire before you became an engineer?

Mr. Kearns: About five years.

Mr. Sheean: On the Cripple Creek road?

Mr. Kearns: No, the Denver & Rio Grande and the Midland Terminal.

Mr. Sheean: I am not quite clear, Mr. Kearns, as to when and where this reduction in the grade was made on the run on which you operate?

Mr. Kearns: It was made between Rockland and Colfax, and between Truckee and Sparks.

Mr. Sheean: What was the former grade there?

Mr. Kearns: The former grade between Rockland and Colfax was about 2.2 per cent.

Mr. Sheean: It was reduced to what?

Mr. Kearns: I don't know what percentage the grade is now.

Mr. Sheean: The other grade was how much?

Mr. Kearns: I don't know.

Mr. Sheean: You had operated over there before, while they still had the grades?

Mr. Kearns: Yes.

Mr. Sheean: When were these grades reduced?

Mr. Kearns: We started using the grade between Truckee and Sparks about a year ago, and between Rockland and Colfax that line was cut in, I think, in 1911.

Mr. Sheean: 1911?

Mr. Kearns: About June, 1911. I wouldn't be certain about that as to the date.

Mr. Sheean: No, I don't want to pin you down to any exact date, but to get approximately the time.

Now, in 1910, the rate on Mallet engines was fixed, as the result of a concerted movement, was it not?

Mr. Kearns: Yes, sir.

Mr. Sheean: And the Mallet engines which you are now operating are being operated under that rate established in 1910?

Mr. Kearns: Yes, sir.

Mr. Sheean: The rate is one dollar, I believe you said, above other engines?

Mr. Kearns: Above the Consolidation.

Mr. Sheean: Above the engines on that road which took the next highest rate of pay?

Mr. Kearns: Yes.

Mr. Sheean: There were some Mallets on that division, or on that railroad, at the time of this concerted movement in 1910?

Mr. Kearns: Yes.

Mr. Sheean: The number of them has been increased since that time?

Mr. Kearns: Yes.

Mr. Sheean: Conditions in the operation there, through these sheds, have been very much improved, from the engineer's standpoint?

Mr. Kearns: How is that?

Mr. Sheean: The heat, and other difficulties that you used to find in the operation of the other engines, you say, do not obtain with the Mallet engine there?

Mr. Kearns: No.

Mr. Sheean: And, with the Mallet engine as operated at

the present time, there is not the heat or smoke or troubles that you encountered in the old days?

Mr. Kearns: No.

Mr. Sheean: Now, before the elimination of these grades, what was the distance of these two terminals that you spoke of?

Mr. Kearns: 60 and 80 miles.

Mr. Sheean: 60 and 80 miles?

Mr. Kearns: Yes.

Mr. Sheean: And the run of that 60 miles was ordinarily made in about what time?

Mr. Kearns: On the eastward trips, in about seven and a half hours; the westward trips averaged about five and a half hours.

Mr. Sheean: So that, under the old arrangement, before the grades were reduced, and when this intermediate terminal point was maintained, for that run of 60 miles, made in seven and a half hours, the men were paid ten hours, or 100 miles?

Mr. Kearns: Yes, sir; eight hours.

Mr. Sheean: And on the 80 miles division, about what was the length of time taken in running that 80 miles?

Mr. Kearns: It would average about from eight and a half to nine hours.

Mr. Sheean: In one direction; and what in the other?

Mr. Kearns: In both directions.

Mr. Sheean: In both directions?

Mr. Kearns: Yes.

Mr. Sheean: And, under the operations as they were at that time, the men were being paid 100 miles, or ten hours, for the 80 miles, which averaged about nine hours?

Mr. Kearns: They were paid only eight hours; eight hours was the day on runs of less than 100 miles.

Mr. Sheean: Well, they were paid a hundred miles, then?

Mr. Kearns: Yes, sir.

Mr. Sheean: You spoke of some discipline having been imposed between the time men are required to report for duty and the time at which they leave the terminal. How many of those cases have you in mind, Mr. Kearns?

Mr. Kearns: I have one case in mind now that happened recently.

Mr. Sheean: Just tell us about what that was.

Mr. Kearns: An engineer took the engine out of the roundhouse and onto the turntable, and the man that turned the table had some difficulty. That is, he turned the table to within about six inches of the right place, and he had some difficulty with it, and he went away and the engineer thought that the table was lined up all right, and he moved the engine and was derailed.

Mr. Sheean: Now, the engineer, you say, was disciplined because of moving the engine on a table which was not adjusted so he could move it?

Mr. Kearns: Yes, sir.

Mr. Sheean: And it was a regular part of his duty in doing that work there to make that movement with the engine across the table, was it?

Mr. Kearns: Yes.

Mr. Sheean: That part of his work had been performed regularly and as a part of his duty, preceding the actual running of the train, from day to day?

Mr. Kearns: Yes, sir.

Mr. Sheean: That is the only instance of discipline that you have in mind?

Mr. Kearns: At the present time, yes, sir.

Mr. Sheean: You spoke of the reduction in the number of men employed on engines, by the substitution of these Mallet engines for the smaller engines which were previously used. Isn't it true, Mr. Kearns, that all the men on the Southern Pacific, by reason of the opening of other new lines upon that road, all the engineers, have remained in the service of the Southern Pacific?

Mr. Kearns: The engineers that were reduced?

Mr. Sheean: Yes.

Mr. Kearns: They went back in firing service, most of them.

Mr. Sheean: How many of them?

Mr. Kearns: About 90 per cent of them, and the rest went away to look for positions elsewhere.

Mr. Sheean: Can you tell us how you arrive at the conclusion that 90 per cent went back to firing?

Mr. Kearns: Yes, sir; I took it from the seniority list.

Mr. Sheean: And they are still on the same division?

Mr. Kearns: Yes, sir.

Mr. Sheean: You don't know of the transfer of men, or giving them runs upon other districts?

Mr. Kearns: Yes; there have been perhaps a few men that have been transferred to other districts. There are a few men that have been transferred to other districts.

Mr. Sheean: How many men can you name who, by reason of the substitution of the Mallets, have gone into service on other lines than the Southern Pacific?

Mr. Kearns: I don't know as I could, from memory, recall more than three or four at the present time, but I have the list of those men that left the Southern Pacific.

Mr. Sheean: Because of the substitution of power?

Mr. Kearns: Yes, sir; and the reduction of forces.

Mr. Sheean: You have that list with you, you say?

Mr. Kearns: Yes, sir.

Mr. Sheean: Well, at any time during the day, Mr. Kearns, if you haven't it right with you now, I wish you would give us the names and number of the men.

Mr. Kearns: Yes, sir.

Mr. Sheean: What became of the power for which the Mallets were substituted?

Mr. Kearns: I don't know.

Mr. Sheean: The Mallets are operated just over certain divisions of the Southern Pacific, are they not?

Mr. Kearns: Yes, sir.

Mr. Sheean: The smaller engines previously in use, so far as you know, have not been junked or destroyed?

Mr. Kearns: Not that I know of.

Mr. Sheean: You don't know whether those same engines are still in operation or not?

Mr. Kearns: No, sir, I don't know.

Mr. Sheean: On other divisions?

Mr. Kearns: I don't know.

Mr. Sheean: All of these Mallets are oil burners, are they?

Mr. Kearns: Yes, sir.

Mr. Sheean: Now, as to this change in the price of meals that you spoke of from 25 cents to 35 cents, was that at the railroad restaurants?

Mr. Kearns: No.

Mr. Sheean: That is, restaurants generally, where you have made that observation?

Mr. Kearns: Yes, sir.

Mr. Sheean: Are there any company eating houses, or lunch counters, places where the men stop on the part where you run?

Mr. Kearns: Yes, at Roseville and Sparks.

Mr. Sheean: At Roseville and Sparks?

Mr. Kearns: Yes, sir.

Mr. Sheean: Since 1910, has there been any change in the price of the meals to railroad men at these places?

Mr. Kearns: Yes, sir, there has been a slight increase.

Mr. Sheean: At the railroad eating houses?

Mr. Kearns: Yes, sir.

Mr. Sheean: What was the price, previous to 1910, for a meal, and what is the price now?

Mr. Kearns: Well, they vary in prices of meals, according to what you order.

Mr. Sheean: Do they have at either of those places a regular dinner?

Mr. Kearns: Yes.

Mr. Sheean: What was the price for that regular meal before 1910, and what is it now?

Mr. Kearns: It was about the same as it is now.

Mr. Sheean: What is it now?

Mr. Kearns: 25 cents.

Mr. Sheean: What is the price of that same meal to the public generally?

Mr. Kearns: I don't know.

Mr. Sheean: Is it not a fact, that the railroad men obtain the meal at a lesser rate than those who are not employes?

Mr. Kearns: I don't know. The card states that these prices are for employes only.

Mr. Sheean: You don't know whether or not the public pays 50 cents for the same meal that is furnished for 25 cents to railroad employes only?

Mr. Kearns: No, I don't know.

Mr. Sheean: But you do know that the public do patronize the place, and that the price that you pay is the price which is available to railroad employes only?

Mr. Kearns: I don't know that the public patronizes the place.

Mr. Sheean: You never have seen anyone in or about these places while you were there, whom you knew not to be railroad men?

Mr. Kearns: No, I did not.

Mr. Sheean: You have had lunch at those places?

Mr. Kearns: Yes.

Mr. Sheean: You have run both freight and passenger through there?

Mr. Kearns: Yes.

Mr. Sheean: And at no time when you were there did you see any one who was not an employe, buying a meal?

Mr. Kearns: Not that I knew, not that I knew of.

Mr. Sheean: You know the railroad men pretty generally, don't you?

Mr. Kearns: No, not at Sparks and at Roseville. There are other railroad men from other divisions there that I don't know.

Mr. Sheean: At these particular places, the price of the regular meal to railroad men, has remained the same?

Mr. Kearns: About the same.

Mr. Sheean: It has been uniformly the same—25 cents, hasn't it?

Mr. Kearns: Well, the meals vary.

Mr. Sheean: I am not talking about the meals or anything of that kind, but the price of 25 cents for the meals.

Mr. Kearns: No, the prices vary. There are some things that you order on the bill that are 25 cents, and others are higher.

Mr. Sheean: I don't question that, Mr. Kearns, but to take what they call the regular meal that has been served as such?

Mr. Kearns: Yes.

Mr. Sheean: It has remained at 25 cents both before and since 1910?

Mr. Kearns: Yes.

Mr. Sheean: That is all.

Mr. Stone: Is that all?

Mr. Sheean: Yes.

RE-DIRECT EXAMINATION.

Mr. Stone: Coming back to that 25 cent meal, I am particularly interested in that. About how many of those regular orders that they serve for a 25 cent meal would it be necessary for a man to have to take one of those Mallet engines over the road? About how many of those 25 cent meals would he have to get inside of him so as to get ready for duty?

Mr. Kearns: Well, I don't know. There are not very many of our men eat the 25 cent meals. I have one of those cards in my pocket over there, Mr. Stone, if you want it.

Mr. Stone: I don't want it; I don't want to eat it. However, it might be well to get the card and quote from it and show what they give.

(Witness produces paper.)

Mr. Stone: Show them what you get for 25 cents.

Mr. Kearns: Shall I read it?

Mr. Stone: Yes, just read what a 25 cent meal consists of.

Mr. Kearns: Here is the lunch:

Ox tail soup, 10 cents.
Fried halibut steak, 25 cents.
New England boiled dinner, 25 cents.
Pot roast of beef with noodles, 25 cents.
Scrambled brains with eggs, 30 cents.
Roast leg of mutton, sage dressing, 30 cents.
Mashed potatoes, 5 cents.
Turnips, 5 cents.
String beans, 10 cents.
Cold asparagus, 20 cents.
Pudding, 5 cents.
Pie or cake, 5 cents.
Preserves, 10 cents.
Coffee, 5 cents.
Tea, 5 cents.

Mr. Stone: Then, would I understand from that, Mr. Kearns, with that regular 25 cent meal that you spoke of, that if you want a cup of coffee with it it is five cents extra?

Mr. Kearns: No, they give one cup of coffee with the regular 25 cent meal.

Mr. Stone: But if you wanted a second cup it would be extra?

Mr. Kearns: Yes, sir.

Mr. Stone: Is there any dessert comes with that meal, or is it just simply the meat order and potatoes? Do potatoes come with the meal?

Mr. Kearns: Yes.

Mr. Stone: But no dessert.

Mr. Kearns: Yes, dessert.

Mr. Stone: Dessert?

Mr. Kearns: Yes.

Mr. Stone: Is the quantity as much as it was a few years ago?

Mr. Kearns: I think so, about the same.

Mr. Stone: Coming back to that question of overtime, I believe you stated, that you used to compute overtime on the basis of twelve and one-half miles an hour on runs of less than one hundred miles, and compute it on the basis of ten miles an hour on runs of over one hundred miles, is that correct?

Mr. Kearns: Yes.

Mr. Stone: Is it not a fact that all overtime is paid for at the rate of twelve and one-half miles an hour?

Mr. Kearns: Yes.

Mr. Stone: So, on a ten hour day your overtime rate is higher than the pro rata rate?

Mr. Kearns: Yes.

Mr. Stone: It is paid at the rate of twelve and one-half miles an hour instead of ten?

Mr. Kearns: Yes.

Mr. Stone: Speaking of those engines that went to some place else, if they are all in the service of the Southern Pacific Company, at this time, is it not a fact that it simply proves that the business of the company has increased to that amount?

Mr. Kearns: Yes, it looks so to me.

Mr. Stone: Regarding that question of the man who was disciplined, getting the Mallet engine out of the roundhouse.

Mr. Kearns: This was not a Mallet engine, it was a Consolidation engine.

Mr. Stone: Whatever it was, I suppose of course the turn-

table man is the man who— Do you have steam power to turn the table?

Mr. Kearns: Electric power.

Mr. Stone: The man in charge of the locomotive had every reason to believe that that turntable was set properly for him, did he not?

Mr. Kearns: Yes.

Mr. Stone: It was the turntable man who made the mistake?

Mr. Kearns: The turntable, of course—

Mr. Stone: Or failed to do his duty by turning the table to its proper point?

Mr. Kearns: Well, yes, it has always been customary for the engineer to move off of the table as soon as the table stopped there. Of course, I suppose the engineer had no right to move the engine until he received a signal.

Mr. Stone: Does he always get a signal?

Mr. Kearns: I don't know. I don't think so.

Mr. Stone: But, the fact remains that the man was disciplined for an act of his, while in charge of a locomotive, and yet before he was under pay?

Mr. Kearns: Yes.

Mr. Stone: Regarding that question of turning the Mallets around, did you mean to convey the impression to the Board that conditions were much better because of the Mallet engines, or because the Mallet engines had been turned around and were now backing up?

Mr. Kearns: Yes, it was much better for the engineer to see the signal and be away from the smoke.

Mr. Stone: You do not mean to convey the impression that working conditions are better for the men because of the fact that the engine is a Mallet engine, do you?

Mr. Kearns: No.

Mr. Stone: That is the impression I got from it. Is it not also a fact that, in addition to getting away from the smoke, another strong reason for turning the Mallet around was to get away from the leakage of steam, so he could see something?

Mr. Kearns: Yes. A question arose as to whether you could hear a torpedo explode with a Mallet engine moving in the other direction, and I don't think they could in coal sheds. Be-

sides that, we had two engines of the Mallet type that were turned the other way, and the men could not stand it. They would not run them east of Summit, where they had the most of the tunnels.

Mr. Stone: Regarding those men who are transferred to another division, that the other side spoke of, is it not a fact that a man if transferred to another division, loses all of his seniority and starts in as a new man again?

Mr. Kearns: No, if he has five years of seniority he takes one year with him to another division, if he is transferred on the Southern Pacific.

Mr. Stone: Takes one year with him?

Mr. Kearns: Yes, sir.

Mr. Stone: And loses the other four?

Mr. Kearns: Yes, sir.

Mr. Stone: If he had fifteen years' seniority, how much would he take with him?

Mr. Kearns: One year.

Mr. Stone: So, the only thing gained by going to another division, over that of going in the service of some other road, is a gain of one year in seniority?

Mr. Kearns: Yes, sir.

Mr. Stone: Do you know anything about the conditions of the switch engineers on that division?

Mr. Kearns: Yes, sir.

Mr. Stone: Has their responsibility increased during the last few years?

Mr. Kearns: Yes, sir.

Mr. Stone: In what way?

Mr. Kearns: They have more work. I don't know as it has increased in the last few years, but there is a condition in the yard, where the switch engineer is held responsible for the clearance of first class trains, in working on the time of first class trains without a train order, simply on the word of the yardmaster, when he goes to work. There is no form to give him the assurance that overdue first class trains have arrived.

Mr. Stone: He is working out on the main line under those conditions?

Mr. Kearns: Yes, sir.

Mr. Stone: Within yard limits, of course.

Mr. Kearns: Yes, sir.

Mr. Stone: Coming back to that question of the reduction of grades, that you spoke of, did the reduction of these grades reduce the work of the men in any way?

Mr. Kearns: No; it increased it.

Mr. Stone: Then, the benefit of the grade reduction was absorbed by the company, by increasing the tonnage of the trains?

Mr. Kearns: Yes.

Mr. Stone: And increasing the work of the men?

Mr. Kearns: Yes, sir.

Mr. Stone: You still use pushers through the snow sheds, do you not?

Mr. Kearns: Yes.

Mr. Stone: How about the smoke from the pusher engine?

Mr. Kearns: Well, there is not so much smoke on oil-burning engines, and the heat don't bother the men on the pusher engine, on account of the distance between the two engines.

Mr. Stone: He is behind a long tonnage train?

Mr. Kearns: Yes.

Mr. Stone: One engine only?

Mr. Kearns: Yes.

Mr. Stone: Do you run any double headers?

Mr. Kearns: No; very seldom.

Mr. Stone: Do the men on this second engine, or, on this division, use respirators?

Mr. Kearns: No.

Mr. Stone: Why not?

Mr. Kearns: We have not found it necessary.

Mr. Stone: The men do not take kindly to the use of respirators, anyway, do they?

Mr. Kearns: No.

Mr. Stone: They do not like the flavor of that burnt oil?

Mr. Kearns: No. We did have respirators, when we had the other type of Mallet engines, but—

Mr. Stone: That was when you were running head on.

Mr. Kearns: Yes, sir.

Mr. Stone: Since they have been reversed, and backing up, you have cleared up that difficulty, so that the men could get better air?

Mr. Kearns: Yes, sir.

Mr. Stone: I think that is all.

Mr. Park: Will you please describe a Mallet engine? I never have seen one of them so constructed, but, I understand, the cab is practically the leading part of the frame, that is, there is nothing ahead of the engineer. Instead of the cab being on the rear end, it is up ahead?

Mr. Kearns: Yes, sir.

Mr. Park: So that you are ahead of the smokestack?

Mr. Kearns: Yes, sir.

Mr. Park: You are in the same position that any one would be on an ordinary engine riding on the pilot?

Mr. Kearns: Yes.

Mr. Park: The snow sheds are not built with timbers, skin to skin, or absolutely tight? They are slatted, are they not, so that air passes through them?

Mr. Kearns: There are cracks between the boards, and then some places on one side they are slatted.

Mr. Park: So that air circulates through them quite freely?

Mr. Kearns: Yes.

Mr. Park: These telescope sections are at frequent intervals, and open in the summertime to prevent fire?

Mr. Kearns: Yes, sir.

Mr. Park: They are closed in winter?

Mr. Kearns: Yes, sir.

Mr. Park: You have very heavy snow in that locality, do you not?

Mr. Kearns: Yes.

Mr. Park: At your roundhouse, at Sparks, is the turn table covered over?

Mr. Kearns: No.

Mr. Park: It was at Truckee?

Mr. Kearns: Yes.

Mr. Park: Do you inspect your engine in the roundhouse before you start on a trip?

Mr. Kearns: Yes.

Mr. Park: You take charge of it there?

Mr. Kearns: Yes.

Mr. Park: And then, if you find it all right, your responsibility commences in the roundhouse?

Mr. Kearns: Yes.

Mr. Park: And continues as you take it out?

Mr. Kearns: Yes.

Mr. Park: You said that there was something wrong with the motor, or with the table, that prevented the operator from getting it into the proper position on this occasion of an engineer being disciplined?

Mr. Kearns: Yes.

Mr. Park: And he went away to get something or to get somebody to assist him to remedy that trouble?

Mr. Kearns: Yes.

Mr. Park: So that the engineer got no signal to go ahead from him?

Mr. Kearns: No.

Mr. Park: What is the discipline on that division, by record or by actual suspension?

Mr. Kearns: By record.

Mr. Park: Do you remember how many demerits this engineer got for this particular offense?

Mr. Kearns: I think he got twenty days.

Mr. Park: That is, no actual suspension, but—

Mr. Kearns: No, twenty days on the record.

Mr. Park: Are you chairman of the local committee?

Mr. Kearns: Yes, sir.

Mr. Park: You adjust all of these grievances that require adjustment, that is, of discipline?

Mr. Kearns: Yes.

Mr. Park: And this is the only one that you can call to mind now as having been inflicted on an engineer recently?

Mr. Kearns: It is the only one there has been a grievance made of.

Mr. Park: Second class trains and extras are permitted, under Rule 93, to occupy a main track without a flag?

Mr. Kearns: Yes.

Mr. Park: So that a switch engineer going out on the main track is occupying it under a rule of the company, and permitted by the company to occupy it under the rules?

Mr. Kearns: Yes, protection against first class trains.

Mr. Park: You have automatic electric signals in that territory?

Mr. Kearns: Yes, sir.

Mr. Park: Have you one of the employes' clubs at Roseville?

Mr. Kearns: Yes, sir.

Mr. Park: That is built for the exclusive use of engineers, firemen, trainmen and employes on the terminal?

Mr. Kearns: Yes.

Mr. Park: Are these meals spoken of furnished at that club house?

Mr. Kearns: Yes.

Mr. Park: The other privileges of the club house, except the beds, are free to the employes, are they not, such as recreation rooms, periodicals, and the billiard tables, if they have them?

Mr. Kearns: No, the bath rooms and the billiard tables, you have to pay for them.

Mr. Park: A small charge?

Mr. Kearns: Yes.

Mr. Park: But the reading room and the periodicals and rest rooms are all free?

Mr. Kearns: Free.

Mr. Park: What do you pay for your beds?

Mr. Kearns: Fifteen cents.

Mr. Park: Do they give you good beds?

Mr. Kearns: Yes.

Mr. Park: Keep them clean?

Mr. Kearns: Yes.

Mr. Park: Is there one of these club rooms at Sparks?

Mr. Kearns: Yes, sir.

Mr. Park: That is equally as good?

Mr. Kearns: Yes, sir.

Mr. Park: Well managed?

Mr. Kearns: Yes.

Mr. Park: And employes use them quite extensively, do they not?

Mr. Kearns: Yes, sir.

Mr. Park: That is all.

Mr. Nagel: What is the quality of the food that you have given the price and description of?

Mr. Kearns: What is it?

Mr. Nagel: What is the quality of the food that you get at those places?

Mr. Kearns: It is of good quality.

Mr. Nagel: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Is the club room open all night? And, can employes get in at any hour of the night?

Mr. Kearns: Yes, sir.

Mr. Stone: Is it not a fact that many cases of discipline are imposed upon the men, and that no grievance is made of it at all?

Mr. Kearns: Yes.

Mr. Stone: You say you are local chairman. You do not handle any grievances unless a man writes up his grievance and files a claim for it?

Mr. Kearns: No.

Mr. Stone: I think that is all.

RE-CROSS EXAMINATION.

Mr. Sheean: Mr. Kearns, I would like to follow, just a little further than Mr. Park did, this matter of paper discipline, demerit marks being given. Isn't it a fact that, under the system you have there, a demerit mark is taken up or offset by a credit mark in case the employe does something particularly creditable?

Mr. Kearns: Yes, I understand so.

Mr. Sheean: This discipline is paper discipline, and was in this particular case?

Mr. Kearns: Yes.

Mr. Sheean: A demerit mark?

Mr. Kearns: Yes.

Mr. Sheean: Which good behavior or particularly creditable conduct at any time would offset. There may be a plus or minus paper record in the matter of this way of keeping the discipline record?

Mr. Kearns: Yes.

Mr. Sheean: There was not any actual discipline imposed, in the way of suspension?

Mr. Kearns: No.

Mr. Sheean: This bill of fare that you had, that Mr. Stone produced, you read the prices of certain things, but you did not give us just what the 25 cent meal was. Is there, on the same bill of fare, a showing as to what is included in the 25 cent meal?

Mr. Kearns: Yes.

Mr. Sheean: Just read that into the record.

Mr. Kearns: I read that. That is what I read.

Mr. Sheean: You read the prices, but you did not say what could be obtained for 25 cents.

Mr. Stone: Mr. Chairman, if I may interrupt, I think it is due to the fact that Mr. Sheean is not familiar with railroad boarding houses. He did read the prices, and with a 25 cent meal he can have his choice of those three or four articles. He cannot have all of them, of course, but can have any one of them.

Mr. Sheean: Just what, on that bill of fare, is included in a choice of for 25 cents?

Mr. Kearns: Here is roast beef, 25 cents. That includes potatoes, bread and butter, one cup of coffee, or tea or milk, and dessert. Then here is fried lake trout, 35 cents. That includes the same. Special small steak, 30 cents.

Mr. Sheean: With that special small steak, 30 cents, what would be included with the 30 cents?

Mr. Kearns: Bread and butter, one cup of tea or coffee, or a glass of milk, and dessert.

Mr. Sheean: So, on all of these prices that you read, there would be included with the particular thing that you read into the record here, the particular bill of fare that you read in, tea or coffee or milk, and a dessert?

Mr. Kearns: Yes.

Mr. Sheean: Bread and butter and potatoes, did you say?

Mr. Kearns: Yes.

Mr. Sheean: Now, the company regularly furnishes its employes, does it not, or at least offers to its employes, meal tickets, good for ten dollars, in payment of meals, which employes can obtain for six dollars?

Mr. Kearns: No.

Mr. Sheean: What is the price of the meal ticket to employes?

Mr. Kearns: Straight price.

Mr. Sheean: Buying a ten dollar meal book, you would pay ten dollars for it?

Mr. Kearns: Five or ten dollar meal book. There is a difference in the Southern Pacific dining rooms. There are the club houses and the Southern Pacific dining rooms. In the dining rooms they give a reduction on their meal books, but their prices are much higher.

Mr. Sheean: They have a meal book that is good at their dining room on a five dollar meal ticket, and what do you pay for that?

Mr. Kearns: I don't know. I never got any of those meal books. I think there is a reduction, in fact I know there is, but I never got any myself, I don't know just what it is, but the prices in those dining rooms are much higher.

Mr. Sheean: The prices in those dining rooms are the prices which the public, if they patronize them, pay in those dining rooms?

Mr. Kearns: Yes, sir.

Mr. Sheean: And, from the price which the public pays, a material reduction is made to railroad employes?

Mr. Kearns: Yes.

Mr. Sheean: That is all.

Mr. Shea: Mr. Kearns, how many demerit marks does it require before an engineer or an employe is dismissed?

Mr. Kearns: I think ninety is the limit.

Mr. Shea: This man you spoke about received twenty?

Mr. Kearns: Yes, sir.

Mr. Shea: If he had committed some other offense, or violated some other rule, he would be liable to discipline?

Mr. Kearns: Yes.

Mr. Shea: Say, for instance, they could impose forty demerit marks?

Mr. Kearns: Yes.

Mr. Shea: At one time?

Mr. Kearns: Yes.

Mr. Shea: Or sixty?

Mr. Kearns: Yes.

Mr. Shea: Or give him the entire ninety?

Mr. Kearns: No. I have never known of a case of more than sixty at one time.

Mr. Shea: Then, if a man received sixty demerit marks for committing one offense and then thirty demerit marks for committing another offense, he would then be considered discharged?

Mr. Kearns: Yes, optional with the superintendent.

Mr. Park: An engineer receiving ten or twenty demerits could work them off, could he not—that is, if he had an unblemished record for three or six months it would clear his record again?

Mr. Kearns: Yes, sir.

Mr. Park: It is very extraordinary that any employe is given more than thirty demerits, is it not?

Mr. Kearns: Yes.

Mr. Park: A very serious offense?

Mr. Kearns: Serious offense, yes.

Mr. Park: And for gross misconduct he may be discharged outright?

Mr. Kearns: Yes.

Mr. Park: Do you know of any engineers that have reached the ninety mark, in that territory, and have gone out of the service in that way?

Mr. Kearns: Yes.

Mr. Park: Do you remember the circumstances that caused their dismissal?

Mr. Kearns: Yes.

Mr. Park: Were they accidents?

Mr. Kearns: No.

Mr. Park: Neglect of duty?

Mr. Kearns: No. Twenty demerit marks for improper handling of air on two occasions.

Mr. Park: Was an accident the result?

Mr. Kearns: Broke in two. Thirty demerit marks for failure to answer a "slow" signal. I don't remember, can not recall, just now, how many for violation of the speed restrictions.

Mr. Park: Did that engineer leave the service and was later reinstated?

Mr. Kearns: No, he is out of the service now.

Mr. Park: Do you have a provision in your discipline record that, if an engineer receives ninety demerits, that he can be

reinstated by the superintendent and reduced to, say, seventy-five?

Mr. Kearns: I didn't understand that.

Mr. Park: Does your discipline record provide for consideration of extenuating circumstances on the part of the superintendent, so that he might, even if he reached the ninety limit, be reinstated at seventy-five?

Mr. Kearns: I understand that we have several that have been reinstated.

Mr. Park: At that time his previous record is taken into consideration and all of the extenuating circumstances that might surround the discipline?

Mr. Kearns: Yes, sir.

Mr. Park: They are given careful consideration by the officials?

Mr. Kearns: Yes, sir.

Mr. Park: And you also, and the men themselves, watch the application of the discipline record to see that it is made justly and fairly, and you are entitled to representation at these investigations by another employe?

Mr. Kearns: We have what is known as a Board of Inquiry, where we are not permitted to be represented.

Mr. Park: That is, in the investigation of the accident?

Mr. Kearns: Yes, sir.

Mr. Park: But that board does not fix the penalty for responsibility?

Mr. Kearns: We have had engineers disciplined on the findings of the Board of Inquiry.

Mr. Park: Do not the rules there provide that no employe shall be suspended without an investigation at which he may have an employe representing him?

Mr. Kearns: Yes, sir.

Mr. Park: So he is sleeping on his rights if he submits to discipline, if those conditions are not observed?

Mr. Kearns: The responsibility, as a rule, is fixed by the Board of Inquiry, and we find it is very difficult to overcome that decision when we have our final investigation.

Mr. Park: Does the Board of Inquiry say what the discipline shall be?

Mr. Kearns: No, sir.

Mr. Park: In case of accident?

Mr. Kearns: No, sir.

Mr. Park: They simply find that a certain individual was responsible?

Mr. Kearns: Yes, sir.

Mr. Park: For the accident?

Mr. Kearns: Yes, sir.

Mr. Park: Then the superintendent, upon his further investigation, or an investigation based on this public inquiry of the Board of Inquiry—the superintendent fixes the discipline?

Mr. Kearns: Yes, sir.

Mr. Park: That is all.

Mr. Burgess: Mr. Kearns, are you the representative of the engineers, commonly spoken of as the Local Chairman?

Mr. Kearns: Yes, sir.

Mr. Burgess: How many engineers do you represent, approximately?

Mr. Kearns: Well, about 65.

Mr. Burgess: This engineer that was disciplined for getting his engine off the track, leaving the turntable—did you handle that case with the proper officers?

Mr. Kearns: I haven't taken it up yet.

Mr. Burgess: But it has been referred to you by the engineers?

Mr. Kearns: Yes.

Mr. Burgess: Does that complaint rest upon the fact that the discipline was excessive, or undeserved, or because he was disciplined for something that happened at a time when he received no compensation?

Mr. Kearns: All those things were taken into consideration.

Mr. Burgess: All three facts had a bearing on the case?

Mr. Kearns: Yes.

Mr. Burgess: I understood you, in reply to Mr. Park's question, to say that at this Board of Inquiry you were not permitted to have a representative. Is that right?

Mr. Kearns: That is right.

Mr. Burgess: Then, are we to understand that there is a board which conducts an investigation, and then there is another

board that fixes the penalty, at which you are permitted to have a representative?

Mr. Kearns: Yes.

Mr. Burgess: So you appear before the higher court, convicted by the lower?

Mr. Kearns: Yes, you might term it that way.

RE-CROSS EXAMINATION.

Mr. Sheean: Mr. Kearns, that hearing before the superintendent is not merely to determine what the discipline shall be, based upon the finding of the Board of Inquiry, is it; but, it is a hearing as to all the facts in the case, if you desire an investigation of all the facts, isn't it?

Mr. Kearns: Well, the agreement provides that there shall be a fair and impartial investigation or hearing before the engineer is disciplined.

Mr. Sheean: Well, the question asked you might lead to the conclusion that the only thing open for consideration at the hearing that you attended was, assuming that the Board of Inquiry's finding was correct, what is the proper punishment to be imposed. Now, as a fatter of fact, at the inquiry held, at which the men attend, the facts are open to consideration, aren't they—any proof you want to submit?

Mr. Kearns: To the Board of Inquiry?

Mr. Sheean: No, the hearing that you attend.

Mr. Kearns: Yes.

Mr. Sheean: Everything is open?

Mr. Kearns: Yes.

Mr. Sheean: And, the fact that the Board of Inquiry have made a finding, may have some influence or effect, you mean, upon the superintendent?

Mr. Kearns: Yes. We have found that it had very much effect, as a rule.

Mr. Sheean: But it does not shut off or preclude you from presenting any and all facts that you think bear on the question, at the hearing that you attend?

Mr. Kearns: No.

Mr. Sheean: That is all.

Mr. Park: Mr. Kearns, aren't these public inquiries, in

case of severe accidents or serious accidents, participated in by outsiders, other than railroad officials?

Mr. Kearns: Yes, sir.

Mr. Park: They call in some prominent business man, or someone who is not connected with the railroad in any way, to take part in the inquiry?

Mr. Kearns: Yes, sir.

Mr. Park: And at that inquiry all of the witnesses and employes who were implicated are interrogated?

Mr. Kearns: Yes.

Mr. Park: They are brought before this Board of Inquiry?

Mr. Kearns: Yes.

Mr. Park: And at that time you would not be debarred from presenting any testimony or evidence that one of your constituents was innocent of responsibility; you could submit that testimony—these hearings are absolutely open to the public, are they not?

Mr. Kearns: No.

Mr. Park: I understand they are.

Mr. Kearns: No.

Mr. Park: The Board, so far as the railroad officials are concerned, is made up of the superintendent and the master mechanic and perhaps the division engineer, is it not?

Mr. Kearns: As a rule, yes.

Mr. Park: But they do not mention specifically that Mr. Smith or Mr. Brown is responsible—they find the cause of the accident and that an employe in a certain capacity was responsible?

Mr. Kearns: Yes, sir, their findings generally place the responsibility on someone, and they are published generally in the paper before we have had an investigation.

Mr. Park: Do you know the reason for that?

Mr. Kearns: No, sir.

Mr. Park: Was it not to prevent the newspapers and outsiders from alleging that the cause of the accident was whitewashed by the officials?

Mr. Kearns: Well, as a rule, Mr. Park, the two members that represent the public do not know anything about the rules of railroading.

Mr. Park: They act the same as they would in the case

of a Coroner's inquest or any juror's duty; they have intelligence and are able to understand the testimony, in a broad way, and know whether evidence is being suppressed or evidence that is irrelevant is being introduced—they are generally men of intelligence, are they not?

Mr. Kearns: Oh, yes.

Mr. Park: They do not have a knowledge of the technical part of railroading.

Mr. Kearns: No.

Mr. Park: And you can, at any time, insist on your right to be represented before the superintendent in an investigation?

Mr. Kearns: Yes, sir.

Mr. Park: That is all.

Mr. Burgess: Mr. Kearns, at the Board of Inquiry, you are not permitted to have the counsel of another engineer?

Mr. Kearns: No.

Mr. Burgess: And, the only time that you can have such protection is after it has been published in the press that you are guilty or not guilty?

Mr. Kearns: Yes. Well, not after it is published in the press, but after the finding of the Board of Inquiry.

Mr. Burgess: I understood you to say they usually published that in the press.

Mr. Kearns: Yes, as a rule they do.

Mr. Burgess: Therefore, when you appear before the Board, you have been, in a sense, convicted; and it is simply a matter of confirming the sentence, when you appear before the Board of Investigation?

Mr. Kearns: Yes.

Mr. Burgess: Now, in your experience as a representative of the engineers, about how many decisions has the Board of Investigation reversed?

Mr. Kearns: I have never known of one being reversed.

Mr. Burgess: That is all.

The Chairman: Anything further?

Mr. Stone: I want to ask another question or two, Mr. Chairman. I am particularly interested in that Board of Inquiry. Mr. Kearns, how is that Board of Inquiry made up, how many and of whom?

Mr. Kearns: It is made up of railroad officials and two disinterested parties that they choose from the public.

Mr. Stone: The company officials select these two disinterested parties, do they not?

Mr. Kearns: Yes, sir.

Mr. Stone: Probably a barber or a blacksmith or somebody around the locality where the accident happened?

Mr. Kearns: Generally where the investigation is held.

Mr. Stone: And this "Star Chamber" hearing you are not allowed to participate in at all?

Mr. Kearns: No.

Mr. Stone: But the railroad company has its officials there to protect its side of the case always?

Mr. Kearns: Yes, sir.

Mr. Stone: And then it is published to the world?

Mr. Kearns: Yes.

Mr. Stone: Of course, creating public opinion in favor of the railroad and perhaps against the employe who is held to blame for the accident.

Mr. Kearns: Yes.

Mr. Stone: Isn't that a good deal like arguing the case to the jury after they have given a verdict?

Mr. Kearns: It always seemed that way to me.

Mr. Stone: Is it not a fact that we can produce cases, where the opinion of this Board of Inquiry, has already been prepared by the officials, before these men from the outside have been called in at all?

Mr. Kearns: You ask me if I know that is a fact?

Mr. Stone: Yes.

Mr. Kearns: Well, I couldn't say that I do know that.

Mr. Stone: I will say for the benefit of the Board, if it has any weight in the case, that we can produce such evidence.

Mr. Sheean: Mr. Stone, I think it would be better, instead of making statements as to what you propose to produce, to produce the evidence from time to time of anything that you think material or competent. I have made no objection to your introducing anything—

Mr. Stone: I understand that.

Mr. Sheean: On any subject; but if you think that it is

competent and material, I would prefer that you offer the evidence.

Mr. Stone: We shall be very glad to do so, but I did not think this Board of Inquiry was coming up this morning to get a clean bill of health, or I would have had the evidence introduced.

Now, one further question, Mr. Kearns. Are you familiar with the case on the Salt Lake Division of the Southern Pacific, where one of these so-called Boards of Inquiry found a dead engineer to blame for a boiler explosion, and the Government officials later on, found he was not to blame?

Mr. Kearns: Only what I have heard.

Mr. Stone: You have no personal knowledge of the case?

Mr. Kearns: No, sir.

Mr. Stone: On the question of this paper discipline, is it not a fact that the demerit marks are always there on the record?

Mr. Kearns: Yes.

Mr. Stone: For example, if you got thirty demerit marks, and you got thirty credit marks, your record is not not cleared; the thirty demerit marks always stand there against you, do they not, on your record?

Mr. Kearns: Yes; and that is taken into consideration, in case a man is unfortunate enough to get the ninety. His past record is always taken into consideration if he is reinstated.

Mr. Stone: In other words, they can go back and bring in the entire record, from the beginning, regardless of the fact that the credit marks, according to all rules of equity, should have cleared his record long ago.

Mr. Kearns: Yes.

Mr. Stone: They still stand there?

Mr. Kearns: Yes, sir.

Mr. Stone: How long does it take a man for a perfect record, to get a certain number of credit marks? Is there any fixed time?

Mr. Kearns: Not that I know of.

Mr. Stone: Some roads have six months' perfect record before they give you ten record marks. Do you have any such rule on the Southern Pacific?

Mr. Kearns: No, sir.

Mr. Stone: During the time that you receive demerit marks, are you furnished with transportation for yourself and family over this division of the Southern Pacific, annual transportation?

Mr. Kearns: We are furnished with it after fifteen years' service.

Mr. Stone: If you were in the service fifteen years, and you did something to get two demerit marks on this paper discipline, would they not take away your transportation, during the time that those demerit marks stood against you?

Mr. Kearns: No, you have to have a clear record for a year. A reprimand will keep you from getting the annual pass for the next year.

Mr. Stone: A single reprimand?

Mr. Kearns: Yes, sir.

Mr. Stone: So it is not all on paper then, after all. You do get the results of it?

Mr. Kearns: Yes, sir.

Mr. Stone: I think that is all.

Mr. Sheean: Mr. Kearns, you speak of an annual pass being given, after a certain length of time, and certain conditions which surround it. Can't you and your family get a trip pass at any time?

Mr. Kearns: Yes, sir, on that division.

Mr. Sheean: The only difference here as to this certificate of merit is that after a certain length of time you may carry the card which is known as an annual pass, and avoid the necessity of making requests for a trip pass, when and as you want it?

Mr. Kearns: Yes.

Mr. Sheean: Now, Mr. Stone in his questions here, assumed that in the Board of Inquiry there was always arrayed on the one side, the Engineer, and on the other side, the Company. Is it not a fact, that in the great majority of investigations, concerning accidents and injuries, it is a question of fixing as between different employes, or different classes of employes, which one caused, or which one contributed to the damage or injury?

Mr. Kearns: Oh. yes.

Mr. Sheean: Is it not a fact, that the great majority of matters that are involved there, are not with the Company arrayed on one side, and an Employe on the other, but different

classes of employes who may differ in opinion as to whose fault it was?

Mr. Kearns: Yes, sir.

Mr. Sheean: I think that is all.

Mr. Nagel. I would like to ask one question. When this engine was derailed, somebody was at fault, was he not?

Mr. Kearns: Yes.

Mr. Nagel: After the engine was on the turntable, could the engineer have satisfied himself whether the trucks were properly adjusted?

Mr. Kearns: Well, from his position in the cab, he could not see the rail; but it was lined up so close that he thought it was all right, and, it had been customary for the man to turn the table, and as soon as it stopped being lined up, he considered it was all right. But, in this case, there was something wrong with the machinery, and he did not get it around far enough, and he did not say anything to the engineer, and the engineer thought it was all right, and did what he had been in the habit of doing before.

Mr. Nagel: Inasmuch as he cannot see the track himself, from his cab, he is expected to rely upon the signal?

Mr. Kearns: Yes, sir.

Mr. Nagel: But in this case he did not get the signal?

Mr. Kearns: No.

Mr. Nagel: And he assumed that it was all right and moved?

Mr. Kearns: Yes.

Mr. Nagel: And that resulted in the accident?

Mr. Kearns: Yes, sir.

Mr. Nagel: Now, there is somebody to blame, isn't there?

Mr. Kearns: Yes, sir.

Mr. Nagel: And the real question is, as to whether more than one is to blame, and what degree of blame is to be fixed?

Mr. Kearns: Yes, sir.

Mr. Nagel: That is all.

The Chairman: We will take recess until 2:30.

(Whereupon, at 12:30 o'clock P. M. a recess was taken until 2 o'clock P. M.)

AFTER RECESS.

The Chairman: Mr. Park desires to make a correction.

Mr. Park: I would like to make a correction in the record of yesterday. On page 804, in the last paragraph, second line, it reads: "or half the distance which the track would seem to be clear." It should read: "or half the distance which the track is seen to be clear."

The Chairman: You may call your witness, Mr. Stone.

Mr. Stone: I will call Mr. E. G. Jacobs.

E. G. JACOBS was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is engineer E. G. Jacobs, of the El Paso & Southwestern. He comes from down in that dry country; that is the reason he is so little, he is almost dried up. (Addressing the witness.) You are at present in the employ of the El Paso & Southwestern Railway?

Mr. Jacobs: Yes, sir.

Mr. Stone: Where are you located?

Mr. Jacobs: My home terminal is Tucumcari, New Mexico.

Mr. Stone: And you run between there and what point?

Mr. Jacobs: Durand.

Mr. Stone: And in what class of service are you engaged?

Mr. Jacobs: Freight service.

Mr. Stone: How many years have you been in this service?

Mr. Jacobs: Pretty near nine years now.

Mr. Stone: What class of engine are you running at the present time?

Mr. Jacobs: Mikado type.

Mr. Stone: What is the weight of this engine?

Mr. Jacobs: 242,000 pounds on drivers.

Mr. Stone: That would be about a 27 or 28 inch cylinder?

Mr. Jacobs: 29 by 30.

Mr. Stone: Superheater?

Mr. Jacobs: Superheater, yes, sir.

Mr. Stone: Has there been any material increase in the tonnage on your district since 1910?

Mr. Jacobs: Yes, sir.

Mr. Stone: Explain how much.

Mr. Jacobs: In 1910 and up to 1911, the tonnage rating was 1100 tons on our district, and now it is 1800 tons.

Mr. Stone: What caused this increase in rating?

Mr. Jacobs: In the first place, the class of engine used in 1910, 1911, 1912 and 1913, were superheated; they were saturated engines in the first place, and they were superheated in 1912; that increased the tonnage about 315 tons. They afterwards found that that was a little too heavy, and they reduced it I think to 1300 tons, an increase of about 200 tons. After they installed the heavy power, the Mikado type, it increased it to 1800 tons.

Mr. Stone: Has there been any increase in your hours of service since the heavier power has come into use there?

Mr. Jacobs: No, sir, not with the Mikado type engines.

Mr. Stone: How does the present rate of pay on your engine compare with the rate on the engine you used in 1910?

Mr. Jacobs: There has been an increase of 52 cents per one hundred miles.

Mr. Stone: 52 cents per hundred miles?

Mr. Jacobs: Yes, sir.

Mr. Stone: A little over half a cent a mile?

Mr. Jacobs: Yes, sir, 52-100 of a cent a mile increase.

Mr. Stone: Do you consider that your responsibility has increased since 1910?

Mr. Jacobs: Yes, sir.

Mr. Stone: Explain to the Board in what way?

Mr. Jacobs: Well, we have heavier trains, longer trains, more cars of course to handle, and there is more machinery to look after.

Mr. Stone: What is the mileage of this district that you are running on?

Mr. Jacobs: 117 miles.

Mr. Stone: Under normal conditions do you tie up under the sixteen hour law?

Mr. Jacobs: No, sir, not now.

Mr. Stone: What is the principal complaint of the men on your district, lying away from home?

Mr. Jacobs: There is some complaint about lying away from home terminal an excessive length of time, and a great many cases where they are held at the away from home terminal

a long time, thereby necessitating doubling at the home terminal and keeping them away from home.

Mr. Stone: Don't you have a summer resort on the El Paso & Southwestern? Isn't Cloudcroft located on your line of road?

Mr. Jacobs: Yes, sir.

Mr. Stone: It has been so long since I have been over it that I was not sure. That starts off from—

Mr. Jacobs: Alamogordo, Mexico.

Mr. Stone: How many crews are working on this line of road?

Mr. Jacobs: During the summer season, that is, from about the first of June until the first of September, during this summer resort period, there are, I presume, two, and I think during that time they keep an extra crew there to do the freight work and the regular crew does the passenger work.

Mr. Stone: This is standard gauge track?

Mr. Jacobs: Standard gauge track, yes, sir.

Mr. Stone: Perhaps the heaviest grade of any main line in the Western territory, is it not?

Mr. Jacobs: I am told so.

Mr. Stone: What is the grade, do you recall?

Mr. Jacobs: It ranged from two and a half to six per cent. There is not very much of the two and a half.

Mr. Stone: I think, if I recall, that that passenger equipment on that line is special equipment for that service, is it not?

Mr. Jacobs: Yes, all of the regular equipment on that line is special equipment. They handle standard equipment, however, but the regular equipment there is specially arranged for the hill, the mountain.

Mr. Stone: Is that an extra line?

Mr. Jacobs: They have what we call a double train line, regular brake pipe, and then a return retainer pipe, so that the engineer handles the retainers from the cab.

Mr. Stone: Six per cent is the heaviest grade on the main line?

Mr. Jacobs: Yes, sir.

Mr. Stone: What is it around the "Y" up there, where they turn?

Mr. Jacobs: Seven per cent, that is, one leg of the "Y" is seven per cent.

Mr. Stone: This engine you are running at the present time is equipped with an automatic stoker?

Mr. Jacobs: Yes, sir.

Mr. Stone: I wish you would explain to this Board, if you will, how this stoker operates?

Mr. Jacobs: There is a pit that runs back into the tank underneath there, the shovel seat or bottom of the coal pit, about, I presume, twelve inches wide. Just how deep that is I do not know, but there is a spiral screw arrangement runs in that. Above it is a screen preventing the large lumps of coal, or anything that might block the stoker, going through, and that draws the coal to a pit in the deck in which there is an endless chain running, and elevates the coal up into the proper place and drops it down into distributors. There are three of these, one right immediately over the fire door, one on either side and then there is a steam pipe with a plunger valve operated by lugs on a disc, and when these lugs come in contact with the plunger valve it unseats it and allows some play on these distributors and that is what distributes the coal, feeds it into the fire.

Mr. Stone: This coal is really very different, really in vapor form, is it not?

Mr. Jacobs: Well, it will admit lumps two inches square, but there is not much of that. It is principally powder, very fine slack.

Mr. Stone: The instructions for operating this stoker, also require that you do not wet your coal?

Mr. Jacobs: Yes, sir.

Mr. Stone: The result is that you do not go very far until you have a couple of inches of coal dust over everything?

Mr. Jacobs: Well, they are a very dusty piece of machinery to operate. They are disagreeable in that respect.

Mr. Stone: Make quite a good deal of noise, besides?

Mr. Jacobs: Yes, sir; they make quite a little noise. The rattle of that endless chain through the pipes which it operates in, rattles and bothers all the time. The exhaust of the distributor, those jets of steam, that makes quite a little noise.

Mr. Stone: Is it not a fact that a great deal of this coal is burned in suspension, just like a vapor, the same as oil?

Mr. Jacobs: Yes, sir; it burns in suspension, quite a good deal of it.

Mr. Stone: This necessitates very careful, watchful work on the part of the fireman, does it not?

Mr. Jacobs: The fireman has to, as we sometimes say, keep his eye on the gun all the time. He cannot neglect it at all. If one of these distributors stops up at all, then the fire dies on that side. If it stops up bad, so that you have to stop your stoker, then the fire dies so that you will notice the steam dropping back, and when that coal ceases to enter the fire box, it is but a very short time until the fire is practically dead.

Mr. Stone: The fire in the fire box on one of these automatic stokers is not like the fire we have with a scoop; that is, it is not a big heavy bed of live fire, on account of so much of the coal being burned in suspension, like it was a vapor?

Mr. Jacobs: No, it is not like the fire, as you say, and that is on account of the burning in suspension.

Mr. Stone: Have you noticed any increase in the cost of living on your particular line?

Mr. Jacobs: I notice my home expenses have increased in the last few years.

Mr. Stone: Have you the same family now that you had in 1910, the same number in the family?

Mr. Jacobs: The same number in the family, all getting a little older, that is all.

Mr. Stone: You do not lay the fact of the increased expenses to the fact that they are getting a little older and eating more, do you?

Mr. Jacobs: No, sir, I cannot do that.

Mr. Stone: Have your expenses away from home increased?

Mr. Jacobs: Well, I cannot say that my expenses have; but the expenses of the men away from home have, because they are eating at the eating houses. I discontinued that some time ago.

Mr. Stone: What, eating? Or eating at the eating houses?

Mr. Jacobs: Eating at the eating houses.

Mr. Stone: What did you do?

Mr. Jacobs: I got me a little shack and I do my own cooking.

Mr. Stone: At the other end of the road from home?

Mr. Jacobs: At the away from home terminal; yes, sir.

Mr. Stone: Why did you do this?

Mr. Jacobs: For two reasons; one on account of the expense, and another on account of health.

Mr. Stone: You thought you would be healthier if you did your own cooking, was that the idea?

Mr. Jacobs: I thought so, yes, sir.

Mr. Stone: That shack you speak of, what is it? A little cabin that you built down there on the sand?

Mr. Jacobs: There were about twelve of us engineers went together and bought a lot, and we built three little houses to sleep in, about 12 by 16. It is a board arrangement, just temporary of course, but we have used it for five years.

Mr. Stone: And you now have gone to cooking?

Mr. Jacobs: Gone to cooking in it. We have a two burner gasoline stove and a cooking outfit, and I live at home.

Mr. Stone: I wish you would describe the character of the country to this Board. Some of them perhaps are not familiar with it.

Mr. Jacobs: Right at Duran, it is in what we call a cedar brake. The rest of the country that we run through is just simply what you might call a barren plain. It is western country. Nothing grows much, only in exceptional years. This last year we had quite a good deal of rain and there was pretty near anything grew that was planted, and the grass was fine, but ordinarily it is not so.

Mr. Stone: Is there good water down through that country?

Mr. Jacobs: Do you mean do we have good water for engine use?

Mr. Stone: Yes.

Mr. Jacobs: We have now. We cannot complain of the water conditions now, but the water that they had before they piped it in there, was not good. It was alkali and they had to treat it and it was not good water. Now, we have a pipe line running from down near Carrizozo and I think that pipe line is

a good deal over a hundred miles long, I guess. Just exactly the distance I can't tell you.

Mr. Stone: The railroad found it necessary to pipe this water in in order to successfully operate the road?

Mr. Jacobs: Yes, sir.

Mr. Stone: Prior to that time there was constant trouble with alkali water and boiler failures, was there not?

Mr. Jacobs: Yes, sir. It was a very ordinary thing to be towed in on account of having a boiler failure on the road.

Mr. Stone: What do you do for drinking water?

Mr. Jacobs: We get drinking water, take it on the engine from our home terminal; and going up and coming back we get it at Duran.

Mr. Stone: But, you carry enough to take you over the division?

Mr. Jacobs: Yes, sir.

Mr. Stone: There is no drinking water along the road, is there, unless you drink this tank water?

Mr. Jacobs: That is all, all there is for us.

Mr. Stone: Do you use a boiler compound in that?

Mr. Jacobs: Yes, use Dearborn boiler compound.

Mr. Stone: Treating the water with Dearborn compound, is that very good drinking water? It is not, is it?

Mr. Jacobs: Well, we are not treating any of the water, you understand, now, Mr. Stone.

Mr. Stone: You use it in the boiler?

Mr. Jacobs: We use the Dearborn compound, but not treated water, only as we have the compound; of course, that might be considered treated water. What I understood your question to be as to treated water was, that we used to have, as the Santa Fe did, Kennicott treating plants at different places, but we are not using any of those now.

Mr. Stone: I think that is all, Mr. Chairman.

The Chairman: The witness is with you, Mr. Sheean.

CROSS EXAMINATION.

Mr. Sheean: Mr. Jacobs, what is the distance on this run that you ordinarily make there?

Mr. Jacobs: The run that I am on?

Mr. Sheean: Yes.

Mr. Jacobs: 117 miles.

Mr. Sheean: And are you on through or local freight there?

Mr. Jacobs: I am on through freight.

Mr. Sheean: Does it take you ordinarily the same length of time to go in both directions, or is the run longer in one direction and shorter in the other?

Mr. Jacobs: We make one way over the road a great deal quicker than the other way.

Mr. Sheean: About what is the difference in time—how long does it take you to go in the long direction and what length of time in the short direction?

Mr. Jacobs: At the present time we make it in about twelve hours going west and about seven hours going east.

Mr. Sheean: And, you are paid on a mileage basis in both directions?

Mr. Jacobs: Yes, sir.

Mr. Sheean: Your pay would be the same, or, would you draw overtime if it ran into the twelve hours?

Mr. Jacobs: Well, you understand, we have the twelve and a half miles per hour or an eight hour day, as they sometimes term it.

Mr. Sheean: Well, your overtime is computed on the basis of twelve and a half miles per hour?

Mr. Jacobs: Yes, sir.

Mr. Sheean: Traffic is nearly always much higher in one direction, on that railroad, than in the other, is it not?

Mr. Jacobs: Well, it is, for two reasons. The trains pull heavier because it is up grade one way.

Mr. Sheean: Is there any other reason than that?

Mr. Jacobs: The loads are westbound, generally, and the business is westbound, mostly, except during the fruit time, the fruit rush.

Mr. Sheean: How long a period of time is that fruit rush ordinarily on?

Mr. Jacobs: It is hard to figure that. That is rather spasmodic.

Mr. Sheean: Your traffic on that line of railroad consists largely of what?

Mr. Jacobs: Coal, coke and merchandise. We handle quite a good deal of what we call "Gold Belt" stuff, all freight

billed to California points we term it "Gold Belt stuff," and handle it as "Gold Belt stuff."

Mr. Sheean: The great weight of your traffic is coal and coke?

Mr. Jacobs: Yes, sir.

Mr. Sheean: And that traffic is largely in one direction?

Mr. Jacobs: Well, it is all ways. The coal and coke is westbound.

Mr. Sheean: And both your tonnage and your grades are in that direction, are they?

Mr. Jacobs: Yes, sir.

Mr. Sheean: Now, the run that you are on pays you about $200 a month, does it?

Mr. Jacobs: Well, you would have to figure the number of miles made.

Mr. Sheean: Oh, I mean running day in and day out, and month in and month out, or even from year to year, it is about $2,400 a year job, isn't it?

Mr. Jacobs: It won't hardily average $2,400. I expect $195 a month will be a fair average.

Mr. Sheean: That is the average year in and year out, is it, about $195 a month.

Mr. Jacobs: Well, I presume you could figure it at that, but we haven't got the present rate so you could figure year in and year out on that.

Mr. Sheean: No, but since 1910 there has been this increase, by reason of the installation of the larger engine?

Mr. Jacobs: Yes, sir.

Mr. Sheean: And, since the larger engine, the superheated engine went on there, you have been getting an average of about $195 a month?

Mr. Jacobs: Well, that would be a fair average, I think.

Mr. Sheean: And, in that $195 a month, how many days lay off would you include in that estimate as being about the usual and customary lay off?

Mr. Jacobs: You would not have any lay off.

Mr. Sheean: How many days in the month would you work to make the $195?

Mr. Jacobs: I think the run would figure, every day, at the present rate, with no overtime, about $200.

Mr. Sheean: Every day—is that seven days in the week?

Mr. Jacobs: Seven days in the week.

Mr. Sheean: And not counting any overtime?

Mr. Jacobs: Not counting any overtime.

Mr. Sheean: Well, if the length of time that you say was made on the heavy trip, in making the 117 miles in twelve hours—if you average anything like twelve hours in making that, there would be considerable overtime to add to that estimate, wouldn't there?

Mr. Jacobs: That would make about three hours on the westbound trip, overtime.

Mr. Sheean: It would pay you about $200 a month, in case you made the trip the long way, in a little over eight hours, eight and a half hours, in the short direction, seven hours or under?

Mr. Jacobs: It would not make any overtime unless we were on duty 9 hours and 52 minutes according to our schedule. Anything less than that would be just mileage.

Mr. Sheean: Nine hours and fifty-two minutes?

Mr. Jacobs: Nine hours and fifty-two minutes, yes, sir.

Mr. Sheean: On one hundred and seven miles?

Mr. Jacobs: Seventeen.

Mr. Sheean: One hundred and seventeen miles?

Mr. Jacobs: Yes, sir.

Mr. Sheean: If you made the run, then, in the long direction, in nine hours and fifty-two minutes, or under, and in the direction of light traffic, in the time that you have given, of seven hours or thereabouts, the run would pay about $200 a month?

Mr. Jacobs: Yes, sir.

Mr. Sheean: If you were kept on the road, going out in either direction, longer than nine hours and fifty-two minutes, that $200 a month would be increased by the number of hours that you were thus kept on the road?

Mr. Jacobs: The amount of the overtime, yes, sir.

Mr. Sheean: These larger engines which have been installed on this road since 1910, are they all new types of engines, or were there some of those engines there in 1910, and the number increased since then?

Mr. Jacobs: They are all new types, the ones that we have on that district now.

Mr. Sheean: That is on that district?

Mr. Jacobs: Yes, sir.

Mr. Sheean: The superheated Mikados?

Mr. Jacobs: Yes, sir.

Mr. Sheean: The pay of engines 242,000 pounds on drivers, was fixed by virtue of the Award of 1910?

Mr. Jacobs: Yes, sir.

Mr. Sheean: At that time, in 1910, the claim was made by the engineers that, because of increased weight on drivers, the larger engines as they were installed, should take this higher rate?

Mr. Jacobs: I understand so.

Mr. Sheean: And, this higher rate which has been paid on these engines as they have been put into service on that road, is the rate which was fixed in 1910, to cover the large engines then being introduced?

Mr. Jacobs: Yes, sir.

Mr. Sheean: The addition of the superheater to the engine has brought about a reduction in the consumption of the coal, has it not, I mean on an engine of equal weight on drivers?

Mr. Jacobs: I don't think so; in fact, from the experience we have had with the other engines that were superheated, I am positive that it did not.

Mr. Sheean: I don't mean in the amount hauled, Mr. Jacobs, but I understood you to say that, on superheating some of the other engines, they did increase the rating of those engines after superheating.

Mr. Jacobs: Yes, sir.

Mr. Sheean: Over what they were before?

Mr. Jacobs: Yes, sir.

Mr. Sheean: So that, the same engine, when equipped with a superheater, was given a higher tonnage rating than the same engine before that time?

Mr. Jacobs: Yes, sir.

Mr. Sheean: In the use of this Street automatic stoker, just what does the fireman do with reference to the feeding of the coal to the fire?

Mr. Jacobs: In the first place, he oils the engine, that is, he fills the cups and opens the slides at the initial point when he gets on the engine; opens the slides and admits the coal down

into this little pit, turns on the steam into the distributors, and then he regulates the speed of the engine with a little lever about twice as long as a pencil, I suppose, gives it a notch stronger or cases off on it, as the case requires. In addition, he has to watch those distributors very closely, he has to keep a close watch on them. If they stop but for an instant his fire is spoiled and steam drops off, if he don't keep his fire in proper shape. It requires a man who knows when he has a fire in proper condition, to operate a Street stoker, just the same as if he was operating with a scoop, to keep the fire in proper shape.

Mr. Sheean: A fireman, or one accustomed to keeping a fire in the proper shape, so as to get the best effects, to keep steam up, accomplishes the actual feeding of the coal to this fire by the use of a lever which gives more or less coal?

Mr. Jacobs: Not altogether, no, sir. There are other ways to regulate that. There is a little fan tailed arrangement in the top, and if it is feeding too strong on the right side, he shifts that a little bit and it feeds on the left side. That is entirely separate from the lever that I spoke of. If it is feeding too strong on the left side, he shifts it so that it feeds more on the right side. In the top there is a cylinder arrangement with perforations, small holes in one side, and larger as it turns around, until it gets down to one spot where it has slots about an inch long. When they are not getting enough coal immediately under the door, why, he shifts that to where it admits more coal. If it is getting too much, he shifts it around where those holes are smaller.

Mr. Sheean: And that is also accomplished by moving some other lever, is it?

Mr. Jacobs: By a mechanism, yes, sir.

Mr. Sheean: So that the particular part of the fire box that the coal will be fed to, as well as the quantity of the coal, is handled by means of a mechanism?

Mr. Jacobs: Except, in cases when it is necessary to use a scoop. He very often has to use a scoop a little, not to amount to very much, but he has to use a scoop some.

Mr. Sheean: That does not amount to very much, as you say.

Mr. Jacobs: Building up a fire, it amounts to enough that a man has to know how to use it.

Mr. Sheean: Has to know how to use a scoop to build up a fire?

Mr. Jacobs: Yes, sir.

Mr. Sheean: When was it, Mr. Jacobs, that you twelve engineers adopted this plan for taking care of yourselves at away from home terminals?

Mr. Jacobs: That has been five or six years ago.

Mr. Sheean: So that that condition prevailed there prior to 1910?

Mr. Jacobs: Oh, yes.

Mr. Sheean: If there has been any change in the condition of the water there, it has been an improvement since 1910, rather than going backward in any way, or was this water change also made before 1910?

Mr. Jacobs: This water change was made before 1910, if I am not mistaken.

Mr. Sheean: Then, as to the method in which you live there at away from home terminals, there has been no change in the last three years, or since 1910?

Mr. Jacobs: No, there has been no change except in the price.

Mr. Sheean: You gave us no details on that, but said you had observed in your family expense, that your expenses were higher now.

Mr. Jacobs: That is at home, yes, at Tucumcari.

Mr. Sheean: And, I assume, in purchasing also for what you cook at the other end, you have noticed a like difference in some commodities?

Mr. Jacobs: That is a very trivial affair, it does not amount to so very much with me at that end of the line.

Mr. Sheean: With reference to the laying away from home terminals, Mr. Jacobs, has there been any change in that regard since 1910?

Mr. Jacobs: Well, no, I cannot say that there has been. That condition has bothered us all the time.

Mr. Sheean: If anything, there has been an improvement in that respect, has there not, since 1910?

Mr. Jacobs: No, I cannot say that.

Mr. Sheean: Would you say it is the same as it was in 1910 in that respect?

Mr. Jacobs: It is not any better.

Mr. Sheean: So far as you have observed, it is about the same, you would say?

Mr. Jacobs: You will understand, that by the installation of the Mikado type engines, there are fewer trains on the road, and on account of there being fewer trains on the road, there is a less number of men to protect eastbound business at Duran, and consequently if there has been any difference at all, we are laying away from home longer than we were in 1910. I have a list of lay-overs away from home that shows some instances as high as thirty-five hours.

Mr. Sheean: And as low as what?

Mr. Jacobs: Well, sometimes we get out on the eight hours and thirty minutes required by law.

Mr. Sheean: Didn't the same man who had the thirty-five hours also go down as low as one hour in the same month?

Mr. Jacobs: Lay over?

Mr. Sheean: Yes, at the away from home terminal.

Mr. Jacobs: No, sir, that would be impossible.

Mr. Sheean: How low does he go when he has an opportunity to come back?

Mr. Jacobs: There are some instances, but very, very rare occasions when they double out in four or five hours; that is when they go over the westbound track in short enough time so that they can get back, under the Sixteen Hour Law.

Mr. Sheean: In that case, is it not true that in the same month in which this record of thirty-five hours lay-over occurs, that there was also in the same month only one hour held at the away from home terminal, that he came right back?

Mr. Jacobs: Not to my knowledge.

Mr. Sheean: That was not your own case, or did you have reference to yourself?

Mr. Jacobs: I am speaking generally of the lay-overs now.

Mr. Sheean: But, the thirty-five hours that you spoke of, have you a record of that?

Mr. Jacobs: I think I can find it.

Mr. Sheean: I wondered if that was your own case.

Mr. Jacobs: No, sir.

Mr. Sheean: Have you a record there for that?

Mr. Jacobs: Thirty-four and fifty minutes. That is close to thirty-five hours.

Mr. Sheean: What was his name and what was the month?

Mr. Jacobs: It was in October of this year.

Mr. Sheean: October, 1914?

Mr. Jacobs: Yes, sir, engine 366.

Mr. Sheean: What was the man's name?

Mr. Jacobs: It might be possible that it was an extra man, but if it was the regular man on the engine, his name was Brickley.

Mr. Sheean: And held at what point?

Mr. Jacobs: At Duran.

Mr. Sheean: At Duran?

Mr. Jacobs: Yes, sir.

Mr. Sheean: Can you give me the date in October?

Mr. Jacobs: Yes, sir, the 23rd.

Mr. Sheean: The 23rd of October?

Mr. Jacobs: Yes, sir.

Mr. Sheean: You have no recollection as to that man's record for the rest of the month, as to the time in which he was released on the other runs, for that month?

Mr. Jacobs: I hardly understand your question.

Mr. Sheean: As to the length of time that he actually stayed at this point, this away from home terminal, in the month of October, the other times that he was away from the home terminal, at Duran, how soon he got out on the return trip?

Mr. Park: He said he did no know the man's name?

Mr. Sheean: He said, if it was the regular man, it was Mr. Brickley.

Mr. Jacobs: It might have been an extra man. If it was the regular man his name was Brickley.

Mr. Park: You are asking about Brickley, are you?

Mr. Sheean: Yes, about Brickley.

Mr. Jacobs: I have a record of the performance of that engine.

Mr. Sheean: Well, now, what was the performance as to the length of time that engine stayed at Duran through the month of October? Men follow the engine on that run, do they?

Mr. Jacobs: Yes, sir; the shortest time was ten hours and fifty minutes.

Mr. Sheean: Just give us the dates through the month of October, as to how long that engine remained at Duran before it started back?

Mr. Jacobs: You mean each day?

Mr. Sheean: Yes, if you have the month's record.

Mr. Jacobs: On the 3rd, twelve hours and fifty-five minutes.

On the 4th—now, these days are his arriving time, you understand. He might have got out on the day following, which he did in many cases. On the 4th eighteen hours and twenty minutes.

On the 7th, twelve hours and thirty minutes.

On the 8th, fourteen hours and five minutes.

On the 10th, twenty-three hours and thirty minutes.

On the 13th, twenty-three hours and fifty minutes.

On the 15th, fourteen hours and fifteen minutes.

On the 17th, ten hours and fifty minutes.

On the 19th, twenty-one hours and forty minutes.

On the 21st, nine hours.

On the 23rd, thirty-four hours and fifty minutes.

On the 26th, fourteen hours and fifteen minutes.

On the 28th, twenty hours even.

On the 30th, fourteen hours and twenty-five minutes.

Mr. Sheean: Do you know whether or not there are any unusual conditions on the line on this day on which the engine remained thirty-four hours and fifteen minutes?

Mr. Jacobs: No, sir, I don't know of any unusual conditions.

Mr. Sheean: That is all.

REDIRECT EXAMINATION.

Mr. Stone: Regarding the question of that layover at Duran, is it not a fact that the company usually requires men to take their legal time off duty before they allow them to go out again?

Mr. Jacobs: Yes, sir.

Mr. Stone: The only exception to that is when there is ample time; when they have had an unusually short run or fast run going west, and there is ample time for them to get back within the limit?

Mr. Jacobs: Yes, sir, and then only when the necessity requires it; on very rare occasions.

Mr. Stone: Must have been a train of refrigerator stuff or perishable freight, or things of that kind?

Mr. Jacobs: Stock or something like that.

Mr. Stone: Isn't it true that a great deal of your freight is through stuff for California points?

Mr. Jacobs: West bound, there is quite a good deal of it.

Mr. Stone: Do you have any trains from foreign lines going over that road—does the Golden State Limited of the Rock Island still go over the El Paso & Southwestern?

Mr. Jacobs: Yes, sir.

Mr. Stone: That is a solid train running through to California?

Mr. Jacobs: From here to California points.

Mr. Stone: Coming back to the duty of the fireman with that automatic stoker, that does all of the work for him; isn't it a fact, that the fireman has to be more alert, if anything, and more attentive to duty, every second of his time than he would if he was actually firing coal by hand?

Mr. Jacobs: Yes, sir. There is no such thing as loading her, as they sometimes say, and hanging out of the window.

Mr. Stone: Do you have the same trouble with the automatic stoker getting full of clinkers and having to hook clinkers out and all that?

Mr. Jacobs: Yes, sir.

Mr. Stone: And when you start to hook clinkers out of that class of fire, you have got to exercise unusual care, or you will have no fire at all, haven't you?

Mr. Jacobs: Yes.

Mr. Stone: Is the fireman held responsible for signals from his side of the cab, in your part of the country?

Mr. Jacobs: No.

Mr. Stone: All he has to do is to watch that stoker every minute the machine is in operation?

Mr. Jacobs: Yes.

Mr. Stone: And if he sees she is dropping the steam a little bit, he must get the scoop and help the stoker out?

Mr. Jacobs: If it is on a hill or a heavy pull and the engi-

neer happens to be on short time, he uses the scoop in connection with the stoker on that hill quite a good deal.

Mr. Stone: That is all.

Mr. Park: Mr. Jacobs, are you running on the main line of the El Paso?

Mr. Jacobs: Yes, sir.

Mr. Park: Is this six per cent grade you speak of on the main line?

Mr. Jacobs: No, sir, that is on the Sacramento Mountain branch.

Mr. Park: What is the maximum grade on your division?

Mr. Jacobs: Well, I think it is a little better than one per cent; that is, on the main line I refer to.

Mr. Park: That is where you run?

Mr. Jacobs: Yes, sir.

Mr. Park: Do you handle a considerable number of California fruit trains—oranges and vegetables?

Mr. Jacobs: Do you mean eastbound stuff?

Mr. Park: Yes.

Mr. Jacobs: We have quite a good deal of that, yes.

Mr. Park: How fast is that schedule over your division?

Mr. Jacobs: Well, we have restrictions of thirty miles an hour, it doesn't matter what it is.

Mr. Park: So that with that freight you have a comparatively fast run?

Mr. Jacobs: Well, yes, they give us a show to go; they do not delay us. We have rights practically, as a rule, but, so far as the speed is concerned, it is no faster than a drag of empties.

Mr. Park: But, you have the right over other trains?

Mr. Jacobs: Other freight trains.

Mr. Park: Which a drag train would not have?

Mr. Jacobs: Yes.

Mr. Park: In regard to the superheater, do you consider that a superheater increases the tractive power of your locomotive?

Mr. Jacobs: No, sir, it cannot.

Mr. Park: But, an engine with saturated steam, with a maximum pressure, and properly cylindered, would start a train just as well, on the same grade, as a superheated engine?

Mr. Jacobs: Well, it is conceded, I guess, that they will.

but after you get a true exhaust, they increase in power, that is, they will move out more readily and handle the train better.

Mr. Park: You have a maximum steam pressure with the stoker, to better advantage than you do with hand firing, do you not? That is, you have your maximum steam to better advantage?

Mr. Jacobs: Oh, yes, it is more regular.

Mr. Park: The automatic stoker is so arranged, that you can put it out of commission, and fire by hand, at any time that you want to?

Mr. Jacobs: Yes, sir, or, you can use them both at the same time if you care to.

Mr. Park: Do you run any so-called light extras over the road to balance business, just an engine and a caboose?

Mr. Jacobs: There have not been many of them recently.

Mr. Park: If the volume of traffic was heavy in one direction it would be balanced that way, would it?

Mr. Jacobs: Yes, sir.

Mr. Park: Do you use the Dearborn Compound in this new mountain water that you have?

Mr. Jacobs: Use it all the time, except in leaving Tucumcari, just after we have had the boiler washed out, we do not use it there, but we use it every place else.

Mr. Park: Do you purify your engine on the road now?

Mr. Jacobs: By blowing out, you mean?

Mr. Park: Yes, do you purify your engine by blowing out on the road?

Mr. Jacobs: Once in a while we do. Not to amount to anything though, as compared with what we used to.

Mr. Park: With the other treatment it was necessary to quite frequently purify the engine on the road, was it not?

Mr. Jacobs: Yes, sir.

Mr. Park: I think that is all.

The Chairman: Anything further?

Mr. Stone: That is all.

Mr. Sheean: I would like to ask Mr. Jacobs about how many tons of coal you consume over on that 117 miles trip going up grade with a load?

Mr. Jacobs: It will average only twenty tons on that 117 mile division.

Mr. Sheean: That is going up the grade and with the load?

Mr. Jacobs: Going up the grade, yes, sir.

Mr. Sheean: And coming down, about how much?

Mr. Jacobs: We don't pay very much attention to it, but all the way from seven to ten, something like that.

Mr. Sheean: That is all.

Mr. Shea: How many locomotives are now equipped with the automatic stoker?

Mr. Jacobs: There are six there, five Mikado type and one of the other kind.

Mr. Shea: That is, on the entire system?

Mr. Jacobs: Yes, sir, on the entire system.

Mr. Shea: How many locomotives are there in use, ordinarily in use on the road?

Mr. Jacobs: Do you mean on my district, where I am working?

Mr. Shea: No, on the entire system, approximately.

Mr. Jacobs: About thirty, I guess, east of El Paso; between twenty-five and thirty. Since the slump in business, I can hardly figure that out.

Mr. Shea: That is, in your district?

Mr. Jacobs: That is on the Eastern Division of the Southwestern, which means from El Paso to Dawson.

Mr. Shea: That is not the total number of locomotives on the system, is it?

Mr. Jacobs: No, west of El Paso there are quite a number; I don't know how many.

Mr. Shea: That is all.

Mr. Jacobs: I am speaking now of the number of engines in service at this time. Of course they have more locomotives than that.

Mr. Byram: Mr. Jacobs, have you any of the same type of engine with the automatic stoker and others without?

Mr. Jacobs: Yes, sir, one.

Mr. Byram: Both kinds running?

Mr. Jacobs: One with the automatic stoker.

Mr. Byram: Which do the firemen prefer to handle, the one with the automatic stoker or the one where they have to shovel the coal?

Mr. Jacobs: I presume the firemen would have to answer that. I am not in possession of that knowledge.

Mr. Byram: How long have they had them?

Mr. Jacobs: They have had that one that they put the stoker on a year or more, but I never had occasion to find out whether they preferred that or not.

Mr. Byram: You never heard the firemen express any preference one way or the other?

Mr. Jacobs: No, sir. I did have one fireman on the Mikado type say he would rather have an engine that he fired with his scoop.

Mr. Byram: He preferred an engine that he fired with the scoop?

Mr. Jacobs: Yes, he said he could keep his face clean.

Mr. Byram: He would rather shovel the coal, then, by hand rather than by steam pressure?

Mr. Jacobs: He liked it better on account of the dirt that the stoker made.

Mr. Byram: He would rather do the hard work with the scoop, rather than with the automatic stoker?

Mr. Jacobs: He didn't say he liked hard work, no, sir. He made the remark that he would rather fire with a scoop than with that stoker.

Mr. Byram: How does it affect the engineer? Does it make any difference to the engineer. You have used both kinds?

Mr. Jacobs: Yes, sir.

Mr. Byram: Which would you prefer to handle, the one with the stoker or the one without?

Mr. Jacobs: I don't know that that makes very much difference. There are some things in favor of the stoker, and there are other things in favor of the other system of firing. If I am on short time, wanting to get some place with a passenger train, I can work on the engine a little bit harder, because the stoker is there to help the fireman out.

Mr. Byram: The stoker, then, assists in keeping up a full head of steam, when you are working the engine hard?

Mr. Jacobs: Yes, sir.

Mr. Byram: It is better in that respect than the hand firing?

Mr. Jacobs: Yes, sir.
Mr. Byram: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Coming back to this question of that mechanical stoker, I understood you to say one fireman preferred the scoop because he could keep his face clean?

Mr. Jacobs: That was about the remark that was made.

Mr. Stone: Then, I understand from that, that he preferred to shovel coal rather than eat it?

Mr. Jacobs: Yes, sir.

Mr. Stone: Does not the engineer have the same trouble with that cloud of coal dust in the cab, settling over everything?

Mr. Jacobs: Yes, sir.

Mr. Stone: I know, what little experience I have had with them, that you had your eyes and ears and nose and everything just filled with coal dust, before you went very far.

Mr. Jacobs: Today, with that stoker, the brakeman uses glasses, great big glasses to keep the cinders out of his eyes. He can't hardly stay on top of the train, because the coal is very fine and there are a lot of cinders go right back over the train, if the wind happens to be just right.

Mr. Byram: I understood you to say, in answer to my question, that you had no preference.

Mr. Jacobs: Oh, no, I didn't say that.

Mr. Byram: That is what I asked you about, which you preferred.

Mr. Jacobs: I said, for some reasons, I would prefer the stoker, and, for other reasons, I would prefer the hand-fired or scoop-fired engine.

Mr. Byram: Then, do you or do you not have any preference about it?

Mr. Jacobs: Well, I don't know that I would have.

Mr. Byram: No preference?

Mr. Jacobs: The engines belong to the company and I will run whatever engine they put me out on.

Mr. Byram: Then, this dust and so on is not so objectionable?

Mr. Jacobs: It is disagreeable, yes, sir.

Mr. Byram: But still it doesn't cause you to have any preference for either?

Mr. Jacobs: There is no preference on those engines on that line.

Mr. Byram: That is all.

Mr. Park: Mr. Jacobs, have you had any experience with the Hanahan stoker?

Mr. Jacobs: No, sir.

Mr. Park: That is all.

(Witness excused.)

C. E. JACKSON was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Mr. C. E. Jackson of the Atchison, Topeka & Santa Fe, Proper, running between Wellington, Kansas, and Waynoka, Oklahoma. He is running one of the Mallet compounds.

Mr. Jackson, you are at present in the employ of the Santa Fe Company?

Mr. Jackson: Yes, sir.

Mr. Stone: What class of service are you in?

Mr. Jackson: In freight service.

Mr. Stone: How many years' experience have you had in this class of service?

Mr. Jackson: Seven years.

Mr. Stone: Are you a promoted man?

Mr. Jackson: Yes, sir.

Mr. Stone: What class of engine are you now running?

Mr. Jackson: Mallet compound.

Mr. Stone: Do you know the weight of this engine?

Mr. Jackson: It is 304,700 pounds on drivers.

Mr. Stone: Has there been any material increase in the tonnage of your train since 1910?

Mr. Jackson: Yes, sir.

Mr. Stone: Explain that to the Board, will you please?

Mr. Jackson: In 1910, we had the Vauclain Compound Prairie type. We were handling between 1600 and 1800 tons. At the present time, with the Mallet, we handle from 2500 to 3500 tons.

Mr. Stone: What is the rate of pay on this Mallet engine?

Mr. Jackson: $6.20 a hundred.

Mr. Stone: That is, per 100 miles or less?

Mr. Jackson: Per 100 miles, or ten hours or less.

Mr. Stone: What is the length of your division?

Mr. Jackson: 108 miles.

Mr. Stone: What is your time in getting over this division?

Mr. Jackson: Well, in Red Ball freight service, we are on the cut-off to California, and the Red Ball freight trains are handled that way, we make it in six to eight hours. Of course, that varies a great deal with the direction, and the train, and the wind. We have lots of wind in that country.

Mr. Stone: What do you do in the local or drag freight service?

Mr. Jackson: In the local and drag freight we usually use the limit, fifteen hours. We have a local run on that division, carded fifteen hours and ten minutes on the time card.

Mr. Stone: Do you have frequent tie-ups out on the road under the law?

Mr. Jackson: We do not tie up very often. It is a very rare occurrence with a Red Ball freight, but with a drag train, or a local train, they tie up frequently, especially the local.

Mr. Stone: In tying these men up out on the road, where do they tie you up at; at some place where there is plenty to eat and a place to sleep?

Mr. Jackson: On the main line, if a man is tied up, of course, they arrange to tie you up at a water tank, and we have accommodations. But, on our branch lines, we have about 500 miles of branch territory out of this division point, and they tie you up and must tie you up at a water tank, and there are places on those branch lines where the accommodations are very poor.

Mr. Stone: There are places where they tie up where there is neither a place to sleep nor any place to get anything to eat, are there not?

Mr. Jackson: Well, of course, those things have happened, but it is not the practice. I have been tied up at a point where I could neither get a bed nor anything to eat, and I protested to the despatcher, and I don't know—Well, it is not a practice.

They don't do it as a practice. They don't do it as a practice, but it will happen once in a great while.

Mr. Stone: This Red Ball freight stuff that you speak of, that is what is commonly known as time freight?

Mr. Jackson: Yes, sir.

Mr. Stone: And, you have lighter tonnage, that is the reason why you get over the road?

Mr. Jackson: Yes, sir, about 2,500 tons in a Red Ball train, fruit trains east bound and merchandise trains west bound.

Mr. Stone: And about 3,500 tons in drags, with the same engine?

Mr. Jackson: Yes, sir, they gave them that, last summer, and, when the tie-ups were so frequent that they could not get the engines over the division, I believe they reduced a little to try to get them in inside of the limit.

Mr. Stone: If there was no Sixteen-Hour Law what do you think would happen?

Mr. Jackson: Well, I guess we would pull more than 3,500.

Mr. Stone: About how much money do you earn?

Mr. Jackson: I average about $155 a month. Some months I make more than that, in a little spurt of business. Other months less.

Mr. Stone: Has there been any increase in the length of hours of service, during the last few years?

Mr. Jackson: No, there could not be.

Mr. Stone: Why?

Mr. Jackson: Why, the Federal law would not permit a man to work over fifteen hours and thirty minutes, and he was working that before.

Mr. Stone: If you were called to leave at 8 A. M., what time would the company require you to be on duty, that is, to go to the round house to make preparations for the trip?

Mr. Jackson: Well, they would require me to be on the engine at 7:30, but, before I get on the engine I must register my watch, register out on the government register, register out on the round house register, and if I did not come in on the engine that I am going out on I would have to inspect the work report of the incoming engineer, in order that I might familiarize myself with any particular work that had been reported and inspect it before I went out, to see that it was properly done.

Mr. Stone: Well, can you do all of that in thirty minutes, or do you have to do that before the thirty minutes you are required to be on your engine?

Mr. Jackson: No, I have got to do that before thirty minutes. I am supposed to be on my engine working thirty minutes before the time the train is ordered to depart.

Mr. Stone: What do you begin to do at 7:30?

Mr. Jackson: To actually prepare my engine; that is, oil it around, and, if I have reported any rod work, to see that it is properly keyed up, give it a general inspection to satisfy myself that the engine can make a successful trip.

Mr. Stone: What time is it necessary for you to leave the preparing track to get to the train yard?

Mr. Jackson: Well, suppose I was called for eight o'clock, I am supposed to leave the preparing track at 7:40, or the transportation department will claim there is a delay on the engine and ask the mechanical department why the engine was not out.

Mr. Stone: Do you men to have us infer from that statement that if you were called for 8 o'clock and you reported at 7:30 and are ready to move at 7:40, must move by the rules of the station department, that in that ten minutes you were able to get the Mallet engine ready?

Mr. Jackson: You are supposed to do that.

Mr. Stone: The fact remains that you get down there from an hour to an hour and a half before that time, to get ready?

Mr. Jackson: There is a great many of them that do. One does not like to be outdone by the other. If one man gets out on time, Bill Jones says, "I will get out on time, too," so he will come down and get ready.

Mr. Stone: For all of this getting ready do you get any pay?

Mr. Jackson: No, sir, we do not until—our pay begins at the time the train is set to depart.

Mr. Stone: For example, if you were called to leave at 8 o'clock, your time would not begin until 8 o'clock?

Mr. Jackson: No, sir.

Mr. Stone: All of this registering and inspection of work, and bulletins, and this hour and a half preparatory time, there is no compensation for it at all?

Mr. Jackson: No, sir.

Mr. Stone: Suppose in going from your preparing track to your train, and while coupling onto your train, anything should happen to your engine before the time you depart, you would be disciplined for it, would you not?

Mr. Jackson: Yes, sir, I am held responsible for that engine from the time I get on it.

Mr. Stone: If you split a switch coming down from the preparing track to the train yard, or would strike a train hard enough to cause damage of any kind, you would be disciplined for it, would you not?

Mr. Jackson: Yes, sir.

Mr. Stone: Although your pay has not begun?

Mr. Jackson: That is a fact.

Mr. Stone: Do you know of any instances on your railroad where men have been disciplined for anything pertaining to their work that happened before their pay began?

Mr. Jackson: Well, I could not name you a specific instance and give you the day and date and engine number, but I was told just before I came up here, by the man I live with, that he ran through a switch on his way to his train, and got ten demerit marks for it, and acknowledged them? I know the man's name but I could not give you the day and date and engine number.

Mr. Stone: Your schedule provides that engineers will be on their engines thirty minutes before time set for departure?

Mr. Jackson: Yes, sir.

Mr. Stone: In order that preparatory work may be completed before departing time for the train?

Mr. Jackson: Yes, sir.

Mr. Stone: In order to do this, do you always prepare your engine before leaving the roundhouse or designated track?

Mr. Jackson: No. It is the practice of many of the men, to avoid answering these "Why you didn't do this, that and the other," to run around and see that he has got all of his tools and supplies, and then go over on the train as quick as possible and finish up over there, oiling around and doing the tinkering on the train, while the air is being pumped.

Mr. Stone: Isn't it a dangerous practice to try to be inspecting an engine or oiling an engine, or filling grease cups

while the engine is coupled onto a train—aren't they liable to kick more cars down on you, in making up the train?

Mr. Jackson: Yes, sir, that is liable to be done. A man is taking a chance.

Mr. Stone: Don't you think it increases the hazard of your work to prepare your engine after it has been coupled onto the train?

Mr. Jackson: Yes, sir. I don't think an engineer has got any business even oiling around in a freight yard after the engine is coupled up. I have seen cases very frequently where they would shove in some cars in making up the train and there is danger if a man is on top of the engine—on these large engines you have to do more or less climbing, and I believe that work should be done at the roundhouse, and a man should stay on his engine after he gets on the train.

Mr. Stone: Do you have to fill your own grease cups on these Mallets?

Mr. Jackson: No, sir.

Mr. Stone: The company fills them for you?

Mr. Jackson: Yes, sir.

Mr. Stone: If you had to fill these twenty grease cups you would have to get down earlier yet, wouldn't you?

Mr. Jackson: Yes. We would not go to bed.

Mr. Stone: What fuel are you using, oil?

Mr. Jackson: Coal.

Mr. Stone: Mechanical stoker?

Mr. Jackson: No, sir.

Mr. Stone: "Armstrong?"

Mr. Jackson: "No. 2."

Mr. Stone: In regard to this question of these crews going out from these terminals on these four and five hundred mile branches that you speak of, is it not a fact that they will go out and tie up and perhaps run on again further, and possibly be kept away from home a week?

Mr. Jackson: Yes, sir.

Mr. Stone: It is not unusual for that to happen?

Mr. Jackson: No, sir, it is not. There are cases where they stay away longer than that. They at one time tried to have a rule agreed to by the local officials that after a man stayed away from the home terminal five days he would be per-

mitted to return; but they were not very successful in having that rule lived up to. The despatcher kind of figures that he will send them wherever he needs the power, and it is a network of branches, and they work them fifteen hours and thirty minutes and tie them up at a water tank. Of course, they usually send a watchman to watch the engine and clean the fire, but if there is any work to be done on the engine, it is done by the crew.

Mr. Stone: And then at the end of the eight hours off duty period, another fifteen hours and thirty minutes on duty?

Mr. Jackson: Yes, sir.

Mr. Stone: And they will keep that up for a week, before the man gets back home?

Mr. Jackson: Yes, sir.

Mr. Stone: And they call that living, down in your country?

Mr. Jackson: We do not. I don't know what other people do.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Will you just give me, if you please, Mr. Jackson, the instance you had in mind of the man being out fifteen hours and thirty minutes, and then off duty eight hours, and then again on duty fifteen hours and thirty minutes?

Mr. Jackson: I cannot name you any specific instance of that. That has happened to me.

Mr. Sheean: Within the last three years?

Mr. Jackson: Within the last year.

Mr. Sheean: And on what run was that?

Mr. Jackson: Well, you start from Wellington, Kansas, that is our main line terminal, and there is a network of branches and they start you out there, and it is a wheat country, a cattle country, and you pick up wheat and distribute cars, and pick up wheat and get out in that western country, and when you are fifteen hours and thirty minutes out they will tie you up at some point. They have—take Belvidere, Kansas, for instance; there is a coal chute there, and a man can get a bed there, and a meal, such as it is, and they have a watchman there to watch your engine, and that is a common thing, that is the regular course out of there.

Mr. Sheean: Now, what month did this occur in, you say, from Wellington to this point, fifteen hours?

Mr. Jackson: I could not name you any specific points, but in the month of August I lost my Mallet on account of a reduction in the force, temporarily. In the month of August I was on small power, and that is where our small power goes to, the branches.

Mr. Sheean: Your service record for August, 1914, would give all of the length of the time that you have in mind, as to fifteen hours and thirty minutes, and, then, the rest of that over fifteen hours and thirty minutes?

Mr. Jackson: Yes, sir. I don't say that every trip is fifteen hours and thirty minutes. I would venture to say that there won't be any of them under fourteen hours.

Mr. Sheean: Mr. Jackson, your service record for the month of August, 1914, would show this particularly hard and peculiarly difficult class of service that you have described on tie-ups on branches?

Mr. Jackson: Yes, sir. Any other engineer on that division, that is not on a Mallet, will say the same thing. That is July and August. I think July and August was when I was on the small power.

Mr. Sheean: July and August, 1914?

Mr. Jackson: Yes, sir.

Mr. Sheean: You have been running this Mallet how long?

Mr. Jackson: I am the youngest man holding a Mallet, and if there is a depression in business and they cut a man off, I would be the man, and I will be on the extra board, and then, I will be called in my turn and catch the small power. I believe—it was in September, I think, they put my Mallet back on, and I have been on a Mallet ever since.

Mr. Sheean: In describing what you did when you came down there in the morning, in the way of registering, and comparing your watch, and oiling around, I believe you said to Mr. Stone that your pay had not begun. Assuming, that after you had done this comparing, looked at your watch, registered, and gone to oiling around, that you were then notified that they did not need you any more that day. At the end of forty-five minutes from the time that you reported, what would your pay be under the schedule?

Mr. Jackson: I was released?

Mr. Sheean: Yes, sir.

Mr. Jackson: I would get thirty-three and one-third miles, or one-third of a day.

Mr. Sheean: You are working now on an engine which takes a $6.20 rate?

Mr. Jackson: Yes, sir.

Mr. Sheean: So if at the end of these forty-five minutes when you say you were not under pay, if they released you they would pay you one-third of $6.20?

Mr. Jackson: Yes, sir.

Mr. Sheean: How do you reason that you are not under pay when you are doing that?

Mr. Jackson: That is provided for in the schedule, that a man called and released, not used, will be paid for one-third of a day.

Mr. Sheean: If, after you have registered and compared your watch, and oiled around, you make this run of one hundred and eight miles, which, I think you said, was the distance between those terminals—

Mr. Jackson: Yes, sir.

Mr. Sheean: And made it in eight hours, all told, from the time you first reported, you would receive $8.64 for that, would you not?

Mr. Jackson: No, sir.

Mr. Sheean: 6.20 times 108?

Mr. Jackson: $6.70 it pays over the division.

Mr. Sheean: It would be 6.20 times 107 miles?

Mr. Jackson: Yes, sir—108 miles.

Mr. Sheean: You have run that Mallet engine in the through freight service on that division for some time, have you not?

Mr. Jackson: Off and on, I have run more or less, probably a year and a half.

Mr. Sheean: Isn't it a fact that for a month at a time you have made that run between these terminals, one hundred and eight miles, averaging 7.8 hours, for the entire month?

Mr. Jackson: When we first got the Mallet engines we made better time than we do now.

Mr. Sheean: When did you first get them?

Mr. Jackson: January, 1912, I think they came to our division.

Mr. Sheean: As late as October, 1913, isn't it a fact that, running between those points, twenty-eight days in the month, your average time on the run was only 7.8 hours, and that you were paid for that $218.86, twenty-eight days, in which your average work per day was only 7.8 hours?

Mr. Jackson: I never got to the fine point of figuring up the average running time of each train for a full month. I was just giving an estimate of about the number of hours we were on duty; but, the month of October was the month of the stock rush, and every man on the division went just—you were going all the time in the month of October.

Mr. Sheean: Do you know Mr. C. A. Willett?

Mr. Jackson: Yes, sir.

Mr. Sheean: Does he run opposite you, or, as a member of the pool, in the pool service between these two points?

Mr. Jackson: Yes, sir.

Mr. Sheean: Running in the pool service, his run would be fairly typical of the runs between these points?

Mr. Jackson: Yes, sir.

Mr. Sheean: He has run in the pool right along?

Mr. Jackson: Yes, sir.

Mr. Sheean: If through an entire year the average time of Mr. Willett on that run between these two points was less than eight hours per trip, and that continued throughout the entire year, and produced for him some compensation over $1900, would you say that your estimate as to the length of time ordinarily consumed in that run was a little high?

Mr. Jackson: I never have figured it right down, but we have a Red Ball train through there; our trains are cut to about 2500 tons on all these Red Ball trains, and we get over the road with the Red Ball trains; there is no question about that.

Mr. Sheean: In running in the pool there, as you men do on this service, you may catch this Red Ball one day, and the drag the next day, and the Red Ball the next, just a matter of chance as to whether a man happens to get the Red Ball or get the drag?

Mr. Jackson: That is correct.

Mr. Sheean: And that pool service, pooling those runs, has been a long continued practice, hasn't it?

Mr. Jackson: Yes, sir.

Mr. Sheean: And the size of any extra board that is maintained to protect the road, is determined by the men, isn't it, that is, primarily?

Mr. Jackson: Yes, sir.

Mr. Sheean: They take it up with the management in case the pool finds the spare board is too large?

Mr. Jackson: It is regulated by the men with the consent of the officials.

Mr. Sheean: That is what I mean; and they run first in first out, in the pool?

Mr. Jackson: Yes, sir.

Mr. Sheean: In your estimate of the local, Mr. Jackson, the length of time that local has taken between these points, you kept no actual track, through any period of time, as to what the time was—

Mr. Jackson: No, sir.

Mr. Sheean: Made by the local train?

Mr. Jackson: Not for a month.

Mr. Sheean: What is it.

Mr. Jackson: Not for a month. Once in a while you will see the local crew get in, maybe, for supper, sometimes you will see them tied up at Alva, the first water tank. I have never got down to the fine point of figuring up the number of hours for an entire month, averaging it for a month's time.

Mr. Sheean: Or for any other particular period?

Mr. Jackson: No.

Mr. Sheean: Have you run on a local, too, between these points?

Mr. Jackson: Not between Wellington and Waymoka.

Mr. Sheean: I think you said you had been in this class of service, as an engineer, for seven years.

Mr. Jackson: Freight engineer.

Mr. Sheean: How long have you been an engineer, Mr. Jackson?

Mr. Jackson: Seven years.

Mr. Sheean. Seven years?

Mr. Jackson: Yes, sir.

Mr. Sheean: How old are you now?

Mr. Jackson: Thirty-six.

Mr. Sheean: How long did you fire?

Mr. Jackson: Three years.

Mr. Sheean: Your employment has been with the Santa Fe all the time?

Mr. Jackson: I was promoted on the Santa Fe.

Mr. Sheean: At the end of three years you were promoted?

Mr. Jackson: Yes, sir.

Mr. Sheean: Took your examination as soon, under the rule, as you were eligible for it?

Mr. Jackson: Yes, sir.

Mr. Sheean: And have been an engineer since that time?

Mr. Jackson: Yes, sir.

Mr. Sheean: In your estimate of your average earnings, being about $155 per month, what period of time did you cover in that estimate, averaging $155 a month?

Mr. Jackson: I never figured that up, but I should say for the entire period since I have been running.

Mr. Sheean: Going back seven years then, you have averaged $155?

Mr. Jackson: No, I never averaged it up.

Mr. Sheean: But when you said that you averaged about $155 a month, you had in mind your entire period of service as an engineer?

Mr. Jackson: No, take for the last three years.

Mr. Sheean: The last three years?

Mr. Jackson: Yes, sir. When I was first promoted I did not get as much work as I have in the last three years.

Mr. Sheean: The last three years; you would say $155 a month was a fair average during that period?

Mr. Jackson: I think that would be fair for my average monthly earnings.

Mr. Sheean: In that estimate, did you have in mind any particular number of days per month or, per year, that you would lay off?

Mr. Jackson:—No, sir.

Mr. Sheean: What is it?

Mr. Jackson: No, sir, I did not lay off a great deal; a few days a month.

Mr. Sheean: This run of $6.70 a day, made in less than eight hours, in case it should be made in less than eight hours, or average less than that, would produce something over $200 per month if a man worked every day, eight hours, wouldn't it?

Mr. Jackson: Yes, sir, it would, but I don't believe the engines make over twenty-five days out of the month, if a man was to follow them regularly, and I do not pretend to follow one regularly every day, day in and day out.

Mr. Sheean: I did not mean at all, in any way, Mr. Jackson, to criticise what was said, but to find out about what you estimated as to the number of days in a month that you worked, in this estimate of $155.

Mr. Jackson: That is just my rough estimate. I never figured it up. I never sat down and figured up my time for a year, to figure how much I made in a year, or how much it would average per month.

Mr. Sheean: This is some other fellow working twenty-five days a month you figured?

Mr. Jackson: Well, I don't think I put in twenty-five days a month.

Mr. Sheean: This rate on this Mallet engine of 304,700 pounds was fixed by the Award of 1910, was it not?

Mr. Jackson: I don't know. We did not have the Mallets until 1912, and I don't know whether the award of 1910 fixed that rate or not

Mr. Sheean: In 1910 you do know, do you not, Mr. Jackson, that the representation was made, that a larger and heavier type of engine was coming into use, was being installed on western roads, and that a rate was fixed for the Mallets, on roads which then did not have them, so that they would take that rate whenever they did put in heavier engines?

Mr. Jackson: I don't know. I was not a party to that 1910 award.

Mr. Sheean: You have not followed up the proceedings to see whether the Santa Fe, by virtue of that award, was obligated to put in this particular rate which became operative, not until 1912, at which time they put on engines which took that rate in.

Mr. Jackson: I probably so understood at the time, but I do not recall it now.

Mr. Sheean: That is all.

The Chairman: Anything further, Mr. Stone?

Mr. Stone: I want to ask you another question.

REDIRECT EXAMINATION.

Mr. Stone: Is it not the practice on the Santa Fe Road, if you were tied up in less than fourteen hours between terminals, that your pay would be continuous under your schedule?

Mr. Jackson: Yes, sir.

Mr. Stone: So, they always manage to work you that fourteen hours so as to be released from paying continuous time that you would get under the law?

Mr. Jackson: Yes, they watch out for that part of it; that is certainly true.

Mr. Stone: You spoke of being called and released, and getting one-third of a day. How often, during your experience as an engineer, do you think you have been called and prepared to handle an engine, and then been released without further service?

Mr. Jackson: I never recollect of a case. I don't think I ever was called and released, on a Mallet engine.

Mr. Stone: Or on any other engine, were you ever called and released?

Mr. Jackson: I do not recollect of it.

Mr. Stone: Isn't it a fact that these cases are so rare that it would be almost a red letter day in a man's life if that happens?

Mr. Jackson: That would not happen twice in a man's natural lifetime. Of course, you take the Santa Fe system as a whole, and they might point out several instances of it, but I am speaking of my experience on my division, I do not recall it.

Mr. Stone: You spoke of being promoted at the end of three years. Are firemen on that division still promoted at the end of three years?

Mr. Jackson: They are still promoted, but they are not so fortunate as to get an engine at the end of three years, as I was.

Mr. Stone: In other words, they are qualified engineers, but they are still firing?

Mr. Jackson: I have a promoted man firing for me on the Mallet.

Mr. Stone: He has been firing for some six or seven years, has he not?

Mr. Jackson: I could not say just how long. He has been firing quite a while.

Mr. Stone: He was promoted, that is, he was qualified and promoted on the list, at that time? Do you know how many years' seniority he holds as an engineer?

Mr. Jackson: I don't think he has made his date yet.

Mr. Stone: But he passed the examination some two or three years ago?

Mr. Jackson: I would not say just when he passed the examination. I know they used him for a switch engineer.

Mr. Stone: Doesn't that establish his date?

Mr. Jackson: No, sir.

Mr. Stone: As a matter of fact, with this heavy power, promotion is slower, and firemen have to fire longer now than ever before?

Mr. Jackson: Yes. They promote men when the three years are up, but down in our territory the promotion is not very fast. That is, for a man to rise from the position of fireman, to engineer.

Mr. Stone: You speak of promotion down there. You mean by that that a man has qualified by passing all the examinations and is ready to take an engine out if called upon?

Mr. Jackson: Yes, sir.

Mr. Stone: He is ready to be an engineer?

Mr. Jackson: Yes, sir.

Mr. Stone: He has passed the final examination?

Mr. Jackson: Yes, sir.

Mr. Stone: But you don't mean by that that he is actually in the service as an engineer?

Mr. Jackson: No, sir.

Mr. Stone: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Sheean: What is the name of your fireman who has qualified as an engineer.

Mr. Jackson: H. B. Hendricks.

Mr. Sheean: When you spoke of the provision whereby you would be paid for continuous time if you were tied up

before fourteen hours, it is a fact, is it not, that the entire matter of the manner of compliance with the Sixteen Hour Law, was covered, or, is covered, by agreement between the four railway organizations and the railroad companies?

Mr. Jackson: That is the agreement. I don't know how many organizations there are in it.

Mr. Sheean: It was, as a part of that agreement, provided, was it not, that, under the law limiting the hours of service, a crew in road service will not be tied up until the expiration of fourteen hours on duty, under the Federal law, or, within two hours of the time limit provided by state laws, if state laws govern. That is part of the agreement, is it not?

Mr. Jackson: Yes, sir, I think it is.

Mr. Sheean: It was the instance of the men that, in giving obedience to this Sixteen Hour Law, the railroad companies should not tie up men until after the lapse of fourteen hours?

Mr. Jackson: I could not say as to that, whether we insisted on this, but I know that is the ruling.

Mr. Sheean: You do not know, Mr. Jackson, that it was the claim of the men that, unless that provision was made, that the railroad companies, according to the claim of the men, were tying up their crews, claiming that the law compelled them to tie them up, and that the men insisted that the railroad companies could do so only after the lapse of fourteen hours, thereby giving the men fourteen hours pay?

Mr. Jackson: I suppose that was the way it was brought about. I am not familiar with the circumstances. All I am familiar with is that is the way it operates, that is the way the rule is applied.

Mr. Sheean: The rule was worked out by mutual agreement between the organizations and the men?

Mr. Jackson: I could not say.

Mr. Sheean: As to what should be considered the proper method to follow under the law?

Mr. Jackson: I could not say as to that, but I do know they are very careful what they do under the fourteen hours.

Mr. Sheean: You do know that that is because of the agreement between the organizations and the men?

Mr. Jackson: I could not say as to that.

Mr. Sheean: That is all.

Mr. Stone: Do you know, at the time this settlement was made by the four organizations, what brought about this settlement of the hours of service, are you familiar with that?

Mr. Jackson: I do not recall that at the present time.

Mr. Stone: You do not know who was spokesman for the four organizations at the time the settlement was made, do you?

Mr. Jackson: I do not recall it now.

Mr. Stone: Neither do you know that the settlement was not at all satisfactory to any of the organizations, but was the best that could be gotten at that time without a fight—you don't know that either, do you?

Mr. Jackson: I don't recall that, Mr. Stone.

Mr. Stone: You do know that the settlement made is not satisfactory to the rank and file of the men, do you not?

Mr. Jackson: The fourteen-hour clause?

Mr. Stone: The question of tying up crews away from home and paying actual miles for coming in, you do know that is not satisfactory, don't you?

Mr. Jackson: No, that is not satisfactory.

Mr. Stone: I think that is all.

Mr. Park: Mr. Jackson, what do you mean by splitting a switch or running through a switch?

Mr. Jackson: By the engine passing through a switch when it is lined up against you and either bending or breaking the point.

Mr. Park: That is, trailing through the switch?

Mr. Jackson: Yes, sir.

Mr. Park: What effect does that have on the switch?

Mr. Jackson: Why, in some cases it would bend the point, and in some cases it would break it, but there are cases I have seen where it would pull the switchstand up. Something has got to give.

Mr. Park: It would involve leaving the track in a dangerous condition, wouldn't it?

Mr. Jackson: It certainly would.

Mr. Park: And, a train running in the opposite direction would be derailed?

Mr. Jackson: This is in yard limits I have reference to, about this man; but to run through any switch would leave the

track in a condition that it would have to be repaired before any train or engine could pass over it in safety.

Mr. Park: If it was at night, in the yard limits, and this occurred, and an engine or train was going in the opposite direction, it would be derailed there at the switch, if it had not been repaired?

Mr. Jackson: If it had not been protected by the man that went through it.

Mr. Park: So that, in administering discipline, it is not for an offense that is trifling, it is a serious thing to run through and split a switch and leave it in that condition?

Mr. Jackson: Well, it depends on circumstances. If a man deliberately overlooks a switch on his side of the track, why, yes, it is a serious offense. If you are running a Mallet engine with 110 feet of engine sticking out in front of you, and you run through one that is on the other side of the track, there is some excuse for that.

Mr. Burgess: Mr. Park, I don't think the witness caught the question, the last part you added. To leave it in that condition, that changes the status of the question very much.

Mr. Park: He says he might run through it and not know it. Of course, if he didn't know it he would leave it in that condition.

Mr. Jackson: No, no.

Mr. Park: Just explain.

Mr. Jackson: If a man ran through a switch, he would protect it by leaving a flagman there or getting someone to report the switch. A man would not run through a switch and go away and leave it.

Mr. Park: Are you usually disciplined for running through a switch when you report it and protect it?

Mr. Jackson: That is left a good deal to the discretion of the trainmaster. It depends on circumstances.

Mr. Park: Are you Chairman of the Local Committee?

Mr. Jackson: Not at the present time.

Mr. Park: You have been?

Mr. Jackson: No, sir.

Mr. Park: That is all.

Mr. Byram: Mr. Jackson, have you both engines, these

large Mallet engines and the other smaller engines, running in that territory?

Mr. Jackson: Yes, sir.

Mr. Byram: You spoke of having lost your Mallet through seniority and making it necessary for you to take one of the smaller engines.

Mr. Jackson: The smaller engines are not assigned. When you do not hold a Mallet engine you go on the extra board.

Mr. Byram: You consider it a desirable thing to hold a Mallet engine, if you can?

Mr. Jackson: It is preferred above the extra board, but every local run, assigned run, on the division is held by older men than the men on the Mallets.

Mr. Byram: The men go from the Mallets to these other runs when they can?

Mr. Jackson: Anything, to get off a Mallet, except switching.

Mr. Byram: Where do these smaller engines run, on the main line or branches?

Mr. Jackson: On the branches.

Mr. Byram: Doing the lighter work?

Mr. Jackson: It does not haul as long a train. The engine pulls her tonnage, whatever it is rated at. Of course, it is a different kind of work.

Mr. Byram: Branch line service is usually preferred by the older men, the regularly assigned runs?

Mr. Jackson: It didn't use to be. It never was until Mallets came there.

Mr. Byram: You had rather run a small engine on a branch line, at a lower rate of pay, than to run one of the Mallets at the larger rate of pay on the main line?

Mr. Jackson: Yes, sir.

Mr. Park: Do I understand that the Mallets are assigned?

Mr. Jackson: Yes, sir, regularly.

Mr. Park: You have been talking about running in the pool; that wasn't very clear to me.

Mr. Jackson: There is a regular engineer and fireman assigned to the Mallet, and the Mallet is run first in and first out. They take their turn. That is, they are in a pool, they run first in and first out, they have no assigned runs.

Mr. Park: You do not hold your regular engine?

Mr. Jackson: Yes, sir, you hold a regular engine, but you have no assigned run to go out on.

Mr. Park: Then you are assigned to one particular engine?

Mr. Jackson: Yes, sir.

Mr. Park: And hold that as long as you are in that class of service?

Mr. Jackson: You are supposed to. There are not very many Mallets that can follow the men.

Mr. Park: When you lay off, somebody runs it for a trip or two, and you take it again?

Mr. Jackson: Yes, sir, the extra man catches it and represents you.

Mr. Park: When that engine is in the roundhouse, do you frequently go down to the roundhouse and look it over, and do some work on it?

Mr. Jackson: No. We used to, but do not now. No, we have got too much engine now. We would never get all the way around.

Mr. Park: That is all.

Mr. Stone: How many grease cups are there on that Mallet engine?

Mr. Jackson: Twenty, I believe.

Mr. Stone: Do you have any trouble with steam leakage around the front end?

Mr. Jackson: Yes, sir, we do.

Mr. Stone: Pretty hard matter to see in winter?

Mr. Jackson: In cold weather the steam leaks bother us, although they make awful efforts to stop them; but, it seems that when a Mallet engine will get a little bit dirty or the water gets in there, the water seems to cut out the packing and loosen up the joints.

Mr. Stone: And they leak?

Mr. Jackson: They leak steam.

Mr. Stone: Coming back to that question of preferring the light engine to the assigned Mallet, isn't it a fact that the reason men stay on the Mallets instead of taking the lighter power, is due to the fact that the light power is gone away from home a week at a time.

Mr. Jackson: What I had reference to, about the men

taking the lighter engines, is assigned runs on those branches, locals, and such as that. Of course, the light power I had reference to, that stays away from home so long as a week, that is the work off the extra board; the extra engineer catches that. Of course, they have assigned runs on those branches that have their regular tie-up points.

Mr. Stone: But the men who run in the extra pool with the light power are liable to get away from home and be gone a week.

Mr. Jackson: Yes.

Mr. Stone: And for that reason the men would much prefer to hold the Mallet engines and go up and down the main line?

Mr. Jackson: Yes, sir.

Mr. Stone: You have a number of branches on that division, have you not?

Mr. Jackson: Yes, sir.

Mr. Stone: What is the length of them?

Mr. Jackson: One from Mulvane to Englewood, one hundred and sixty-six miles.

Mr. Stone: You don't need to name all of them—they run from what — from ten miles to one hundred and sixty-eight miles?

Mr. Jackson: From one hundred and sixty-eight to twenty-one.

Mr. Stone: That is all.

The Chairman: Call your next witness.

Mr. Stone: I will call Mr. B. J. Bassett.

B. J. BASSETT was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is engineer B. J. Bassett of the Northern Pacific, running between Livingston and Calumet. (Addressing witness.) You are at the present time in the employ of the Northern Pacific Company?

Mr. Bassett: Yes, sir.

Mr. Stone: You are a promoted man?

Mr. Bassett: Yes, sir.

Mr. Stone: You did your firing on the Northern Pacific?

Mr. Bassett: Yes, sir.

Mr. Stone: What class of service are you in at the present time?

Mr. Bassett: In freight service.

Mr. Stone: How long have you been in that service?

Mr. Bassett: Regularly, since September, 1905—1905, I think.

Mr. Stone: A little over nine years?

Mr. Bassett: Yes, sir.

Mr. Stone: What class of engine do you run?

Mr. Bassett: At the present time I am running a Superheater—Mikado.

Mr. Stone: What is the weight on drivers?

Mr. Bassett: 320,000 pounds.

Mr. Stone: That is the total of the engine—what is the weight on drivers?

Mr. Bassett: It is 241,500 pounds, I think.

Mr. Stone: What is the tractive power of this engine, do you know?

Mr. Bassett: It is 57,100 pounds, I think.

Mr. Stone: When was this class of engine put in service on the Northern Pacific?

Mr. Bassett: In the spring of 1913.

Mr. Stone: Has there been any material increase in the tonnage rating on your division since 1910?

Mr. Bassett: Yes, sir.

Mr. Stone: Explain to the Board how much and in what way?

Mr. Bassett: Well, the cause of the increase on the district on which I am working, was due to the installment of this heavier power. The increase in the First district, which is from Livingston to Billings—I don't know what the cause was, but it is on the same power. It varies all the way up as high as 34 per cent.

Mr. Stone: Practically running from 27 to 34 per cent increase, does it?

Mr. Bassett: On the district where I am working now.

Mr. Stone: Do you consider that the responsibility of your work has increased with the introduction of these engines, this heavier power?

Mr. Bassett: Well, as an example, I will say that one of the oldest men, or the oldest man in that service on that district, shortly after this power was installed, went from the second district to the first district, where there is a difference of about $62 per month, that is in a 30-day month.

And, another engineer that is not as old in the seniority list, also went there, in preference to handling these long trains and this heavier power. And, there were two of the freight men this fall that were set back on account of lack of business, that have taken this first district in preference to the second district, as they were older than any of the men that were in this chain gang or pool service on the second district. Owing to the characteristics of the road, the grades—

Mr. Stone: What are your grades, if I might interrupt you?

Mr. Bassett: The first grade from Livingston west is 1.8 per cent. The grade on the Continental Divide, going into Butte, is a two two grade.

Mr. Stone: You mean by two two, a 2.2 per cent grade?

Mr. Bassett: Yes, sir, 2.2 per cent.

Mr. Stone: Are these engines as comfortable inside the cab, with their limited room and larger boiler head, as the older type of engine?

Mr. Bassett: We haven't the room in the cab that we had in the old engines. While they have not a standard seat box on those engines, the seat box of the one I am on is about 18 by 20, that is at the top, and it is about 14 inches from the boilerhead; that is, from the front of the seat box to the boilerhead. Of course, the piping to the brake valve takes up part of that space, which makes it quite warm in the summer.

Mr. Stone: Is the boilerhead clear back through the cab on that type of engine?

Mr. Bassett: No, sir.

Mr. Stone: What is the distance between the side of the boiler and the side of the cab; do you know?

Mr. Bassett: Well, I don't know the distance, but the piping takes up all the room. You cannot pass out between the side of the cab and the boiler; that is, out of the front window.

Mr. Stone: It would be impossible for you to get out through the front window onto the footboard?

Mr. Bassett: A small man might squeeze out there, but you couldn't get out there with any comfort. It would require some difficulty.

Mr. Stone: Are there any branches on your division?

Mr. Bassett: There are quite a few, yes, sir.

Mr. Stone: What are the lengths of these?

Mr. Bassett: The longest branch is about 71 miles.

Mr. Stone: And the shortest one?

Mr. Bassett: About ten miles; eight or ten miles.

Mr. Stone: What class of engines are used on these branches?

Mr. Bassett: Well, on the Butte branch it is the same class of power that is used on the main line of the second district. And also, the Red Lodge branch on the first district, the power used there is virtually the corresponding power that is assigned to that district.

Mr. Stone: So you practically use the same class of power on both main line and those branches?

Mr. Bassett: Yes, sir, on those two branches. We have short branches, fifteen to twenty miles that they use a smaller class of power on.

Mr. Stone: Is there any differential in the rates of pay and rules between branch and main line service on the Northern Pacific?

Mr. Bassett: There is not, no, sir.

Mr. Stone: You are paid the same?

Mr. Bassett: Well, they all carry the road rates, for the corresponding class of power.

Mr. Stone: Of course, the smaller engine takes the smaller rate?

Mr. Bassett: Yes, sir.

Mr. Stone: What time are you required to report for duty?

Mr. Bassett: Thirty minutes before the engine is ordered to leave the roundhouse track, which means a call of about an hour and thirty minutes before the engine is ordered to leave the roundhouse track.

Mr. Stone: You are supposed to be on your engine, and

ready to do business, thirty minutes before the time required to leave?

Mr. Bassett: We are, yes sir.

Mr. Stone: What is your duty during that time, what do you do?

Mr. Bassett: We inspect our engines, prepare them for the trip. That is, screw down the grease cups, oil the engine around, fill the lubricators and flange oilers; see that we have the necessary supplies; inspect any work that might have been reported when we come in.

Mr. Stone: Do you make any boiler inspection report, separate and distinct, on your road?

Mr. Bassett: No, sir.

Mr. Stone: Do you have to register the time of your watch?

Mr. Bassett: Yes, sir, we register that.

Mr. Stone: Sign for the bulletins?

Mr. Bassett: Yes, sir, sign for the bulletins and register your name and the fireman's name.

Mr. Stone: Do you have to register at the roundhouse as well?

Mr. Bassett: Yes, sir, we generally figure on doing that. That is not in conjunction with the thirty minutes that we prepare the engine before leaving the roundhouse track.

Mr. Stone: You do all that before that?

Mr. Bassett: Yes, sir.

Mr. Stone: Do you get any pay for this time?

Mr. Bassett: Well, we get paid, or our time begins thirty minutes before we are ordered to leave the roundhouse track. We are paid on an hour basis. That is, if this preparatory time, as you might term it, runs into overtime, we get paid for that time.

Mr. Stone: But unless you do earn overtime on the trip you do not get pay for it?

Mr. Bassett: No, sir.

Mr. Stone: So you get it and you don't get it?

Mr. Bassett: We get it and we don't get it.

Mr. Stone: After arrival at terminals are you allowed any time for inspection of engines and making out reports, and so forth?

Mr. Bassett: We are, yes, sir. We inspect our engines and report the necessary work, and register in, and when we register in our time ceases. Our agreement with the company calls for, from the time we are relieved from the care of the engine, which is after we have made out the necessary work report.

Mr. Stone: How long does this usually take?

Mr. Bassett: From twenty to thirty minutes.

Mr. Stone: It simply figures in the time from the time you are called to leave until released?

Mr. Bassett: Yes.

Mr. Stone: Now, unless you run into overtime you receive no additional pay for this work?

Mr. Bassett: No, sir.

Mr. Stone: You are paid by the mile?

Mr. Bassett: Yes, sir.

Mr. Stone: So it is possible for you to go to the roundhouse an hour or an hour and a half before leaving time, go over the road with perhaps a fast freight run, get into the other terminal, and give thirty minutes to the inspection of your engine, and yet do it all for the actual miles run?

Mr. Bassett: Yes, sir.

Mr. Stone: Has there been any increase in the cost of living in your part of the country since 1910?

Mr. Bassett: Yes, sir, there has. There has been an increase in the eating houses, what we term the company restaurants; and there has been a considerable increase in the price of coal. There was a bulletin posted by the manager of the lunch counter at Livingston, I think in the spring of 1912 or 1913, I don't remember which now, that stated that owing to the increased price in groceries, it compelled them to raise the price of the meals from 25 to 35 cents.

Mr. Stone: Do you find, then, that your living away from home, as well as your home expenses, have increased since that time?

Mr. Bassett: Yes, sir, as far as the eating is concerned.

Mr. Stone: Would you say the cost of fuel has increased?

Mr. Bassett: Yes, sir, the cost of fuel in 1910,—well, in 1910 I bought my winter coal for $4.65, I think it was, in five-ton lots. This year we got it for $6.00 in five-ton lots.

Mr. Stone: Has house rent increased?

Mr. Bassett: No, sir, not noticeably.

Mr. Stone: What class of fuel are you using on your engine, coal or oil?

Mr. Bassett: We use coal.

Mr. Stone: Do you have the mechanical stoker?

Mr. Bassett: We have not, no, sir.

Mr. Stone: About how much coal do you burn each trip?

Mr. Bassett: On our west trips I should judge, while of course they vary considerably, that we use about ten tons, I should say, as an average.

On our eastbound trip it runs up from sixteen to eighteen tons

Mr. Stone: What is the length of that division?

Mr. Bassett: 122.8 miles.

Mr. Stone: I think that is all.

The Chairman: The witness is with you, Mr. Sheean.

CROSS EXAMINATION.

Mr. Sheean: What is the rate on the engine you are running now?

Mr. Bassett: Do you mean the rate of pay?

Mr. Sheean: Yes.

Mr. Bassett: $5.55 a hundred.

Mr. Sheean: This type of engine was put in on your division in the spring of 1913?

Mr. Bassett: I think it was, yes, sir.

Mr. Sheean: And before that time, do you know whether or not, the company had, on other divisions, engines of the same type or not?

Mr. Bassett: Well, I couldn't say for sure, but I don't think that they had.

Mr. Sheean: But they did have a provision in their schedule in pursuance of the concerted movement of 1910, whereby the rate on that engine was fixed at the time it went into service?

Mr. Bassett: Yes, sir, we had the Chicago agreement of 1910 embodied in our schedule at that time.

Mr. Sheean: And, that agreement of 1910 was made to cover all the railroads in the movement which did put in this larger power, any time that they might put it in?

Mr. Bassett: It is my understanding that it did.

Mr. Sheean: Now, Mr. Bassett, these short branches that you spoke of, I think you said some of ten, fifteen and twenty miles in length, on which the lighter power is operated, those branch lines are not operated under any arrangement whereby a man draws a hundred miles, in case he runs to the end of a branch ten miles long, are they?

Mr. Bassett: I don't understand that.

Mr. Sheean: When you speak of the rates of pay being the same on the same class of engine, if the engine was operated on the branch as if it was operated on the main line, there is a special provision to prevent unusual and excessive payments that might arise on branches if you had a straight 100 miles or less, 10 hours or less, provision for those branches?

Mr. Bassett: That provision is in effect on the branches just the same as it is on the main line.

Mr. Sheean: It provides, however, for a combination of a series of short runs, or for turn-arounds, or something of that sort?

Mr. Bassett: Yes, sir.

Mr. Sheean: So as to get either the ten hours or the hundred miles?

Mr. Bassett: Well, that depends on whether or not the assignment, or the succession of short runs in and out is an assignment.

Mr. Sheean: All I meant, Mr. Bassett, was that these peculiar conditions, running, I think, you said all the way from a three-mile up to a seventy-mile branch in length, are covered by schedule provisions, which authorize a series of short runs on branches, or something of that sort. I did not intend to quote your exact schedule.

Mr. Bassett: Well, I do not know exactly the meaning which you intend to convey, but I will say that the schedule on the main line is the same as it is on the branches. There is no extra provision made; that is, that is contrary to the rules in effect on the branches as compared with the rules in effect on the main line.

Mr. Sheean: On the main line, then, there is some provision for the combination of a series of short runs, so long as it is done within 100 miles, or 10 hours?

Mr. Bassett: Within ten hours there is, yes, sir.

Mr. Sheean: Now, with reference to this preparatory time, or the allowance of thirty minutes before time called to depart, one way of putting that, Mr. Bassett, is that if you accept under the schedule your pay in hours, you are paid from thirty minutes previous to the time called to depart, until you are finally released from duty?

Mr. Bassett: Yes; that is, if the trip runs into hours instead of miles, why, our pay begins thirty minutes before we are ordered to leave the roundhouse track.

Mr. Sheean: And, the schedule provides, of course, that the men may elect whether they are to be paid in time or miles on each run; whichever is the greater they may take?

Mr. Bassett: Well, there are often other conditions that govern that. We don't always select the runs under those conditions.

Mr. Sheean: No, I did not mean selecting in the way of seniority or anything of that kind. What I meant, Mr. Bassett, was that after you have made a run on any particular day you are given the option of being paid either in miles or hours, that is, having your pay computed either in miles or hours?

Mr. Bassett: Yes, sir.

Mr. Sheean: And if you at the end of the trip say, "I will take my pay in time, have my pay computed on the time basis," then that computation starts from thirty minutes before you are called to depart, and comes down to the time of your final release?

Mr. Bassett: Yes, sir, it does.

Mr. Sheean: And, wherever you elect to be paid on a time basis, you have the right under the schedule, to be thus paid?

Mr. Bassett: Yes, sir.

Mr. Sheean: I mean on any trip?

Mr. Bassett: Well, of course, if the hours are the greater we always compute our time on the hour basis. If the miles are greater we accept the mileage rate.

Mr. Sheean: Yes, but wherever you do compute on the hourly basis, in that computation you start your time from thirty minutes before the time set to depart?

Mr. Bassett: Yes, sir.

Mr. Sheean: Mr. Bassett, in describing the grades on these

two districts or divisions of the Northern Pacific, I am not sure that I followed you as to what difference you said there was in the two grades that you mentioned.

Mr. Bassett: The first grade out of Livingston is 1.8 per cent, about that; and the grade into Butte, that is, going over the Continental Divide into Butte, is 2.2 per cent.

Mr. Sheean: Well, in the Northern Pacific schedule both of those grades, or on that part of the line on which these grades occur, provision is made for the allowance of certain constructive miles?

Mr. Bassett: Yes, sir.

Mr. Sheean: The schedule makes provision for different allowances on different parts of the line in accordance with what the conditions may happen to be at different places. A certain number of miles at one place, and a certain number between certain other points.

Mr. Bassett: Yes, sir, that is, after a grade reaches a certain per cent there are constructive miles allowed.

Mr. Sheean: They are allowed between certain designated points in the schedule?

Mr. Bassett: Yes.

Mr. Sheean: And between those points you add the different constructive miles that the schedule provides for at different places?

Mr. Bassett: We add those constructive miles to the actual mileage of the district or division.

Mr. Sheean: Well, between certain points six miles are allowed, between other points eight miles, and between certain other points, twelve miles?

Mr. Bassett: Yes, sir.

Mr. Sheean: In addition to the actual miles of the trip?

Mr. Bassett: Yes, sir.

Mr. Sheean: How long have you been an engineer, Mr. Bassett?

Mr. Bassett: Why, I was promoted in September, 1903. I have been in regular service since the fall of 1905.

Mr. Sheean: And you began service as a fireman, did you?

Mr. Bassett: Yes, sir.

Mr. Sheean: On the Northern Pacific?

Mr. Bassett: Yes, sir.

Mr. Sheean: And how long were you a fireman?

Mr. Bassett: About four years—about four years and three months.

Mr. Sheean: Out in this same territory?

Mr. Bassett: Yes, sir.

Mr. Sheean: On the same division?

Mr. Bassett: Yes, sir, on the same division.

Mr. Sheean: How long have you been running between Livingston and Helena?

Mr. Bassett: Since the fall of 1905.

Mr. Sheean: All the time?

Mr. Bassett: That has been my regularly assigned service. Of course I have done some extra passenger work and some branch line work for probably a couple of months or so at the time, but that has been my regularly assigned service since that time.

Mr. Sheean: Is that local?

Mr. Bassett: What we call chain gang or pool service; through freight service.

Mr. Sheean: On the class of engine you are running there now, Mr. Bassett, about what is the average pay to a member of the crew?

Mr. Bassett: Well, a thirty-day month pays about $224, but—

Mr. Sheean: Then, of course, it would drop down from that to whatever number of days were actually made by the members of the pool?

Mr. Bassett: I have never known of any one being able to get in a thirty-day month, on account of the excessive hours on some trips, or the lack of business, with the number of engines that were in that service, and it generally runs, when business is good, in the busy part of the season,—it will probably run as high as twenty-five to twenty-seven days a month. That is what you will average. Of course, when business is slack, it drops down to from twenty to twenty-five. Probably twenty-three or twenty-four is the average.

Mr. Sheean: Then, running along there in that space, from twenty up to twenty-seven, the earnings will run along somewhere from $1800 to $2200 a year.

Mr. Bassett: If you are able to stand the work.

Mr. Sheean: Well, in an eighteen day month, a man working eighteen days a month, would earn something like $1,500 a year, wouldn't he, or more?

Mr. Bassett: Yes, sir, I should think so. I haven't counted it up. I don't know exactly.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Mr. Bassett, is it not a fact that you have a rule in effect on the Northern Pacific that provides for straight-away runs and describes what they are, what is known as your rule 4, that makes automatic release at each end of the run?

Mr. Bassett: Yes, Rule 4 provides that we shall be automatically released when we arrive at our terminal.

Mr. Stone: With the single exception that there is a provision for a crew on a regularly assigned turn-around run—that is the only exception, is it not?

Mr. Bassett: That is the only one that I can recall.

Mr. Stone: Your only two rules I can find, is your rule 4, that reads as follows:

"A straight-away run is a run from one terminal to another terminal, and not less than 100 miles will be allowed for each such run, except as hereinafter provided."

The other provision I can find is Rule 44, which reads as follows:

"In freight and mixed service, a turn-around run is a man from a terminal to an intermediate point and return to starting terminal, time to be continuous and not less than 100 miles will be allowed for each run, except that:

"1. This rule will not prevent the calling of crews and the assignment of them to a succession of short trips out of a terminal, provided the second or any succeeding run shall be started within ten hours from the time crews were required to come on duty for the first trip, or when the actual miles run equal or exceed 100; otherwise the additional runs will be considered as commencing a new day."

Those are the only two rules you have on the subject that you can recall, are they not?

Mr. Bassett: Those are the only two.

Mr. Stone: Coming back to the question of being paid that time for the thirty minutes preparatory time—

(Mr. Sheean exhibited paper to Mr. Stone.)

Mr. Stone: (Addressing Mr. Sheean.) That is freight that I was referring to.

Mr. Sheean: There is a passenger rule up to eighty-five miles.

Mr. Stone: For suburban service. (Addressing the witness.)—Now, coming back to the question of being paid that time for thirty minutes preparatory time, is it not the fact that you really work about an hour and a half for that thirty minutes pay that you have been receiving in preparatory time, in getting your engine ready, when it runs into hours?

Mr. Bassett: Well, it requires about thirty minutes from registering at the freight depot to go down and register at the roundhouse and look over the bulletins—the distance is some half a mile, or something of that kind, and of course you really start in, I judge, about one hour, say, before you are ordered to leave the roundhouse track.

Mr. Stone: Do you know of any other class of railroad service in the transportation service I speak of—where the employes are required to give an hour's preparatory time for nothing, in order to do a full day's work?

Mr. Bassett: I don't know of any, no, sir. I am not familiar with the working conditions, that is thoroughly familiar with the working conditions of the other organizations.

Mr. Stone: That is all, I believe. Before you adjourn, Mr. Chairman, I would like to read this into the record, if you please. This morning Mr. Sheean asked for the names of the engineers who had been cut off the list, and had gone to other parts of the country looking for employment, because of the big power on the Southern Pacific, at Sparks, Nevada. I would like to read these names into the record: J. A. Tobin; A. E. Fallis; G. W. Cowan; F. J. McAuliffe; C. T. Gibbs; G. C. Nixon; E. L. Morris; John Strang; H. G. Bolan; A. G. Beach.

These men have left the service of the company because of the introduction of the heavy power, and have gone elsewhere looking for employment.

The Chairman: We will take an adjournment until 10 o'clock Monday morning.

(Whereupon, at 5 o'clock P. M., December 11, 1914, an adjournment was taken to Monday, December 14, 1914, at 10 o'clock A. M.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, by agreement dated August 3, 1914.

Chicago, Illinois, December 14, 1914.

Met pursuant to adjournment at 10:12 o'clock A. M.
Present: Arbitrators and parties as before.

Mr. Stone: Mr. Smith.

C. P. SMITH was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is engineer C. P. Smith, Chicago Great Western Railway, running between Oelwein, Iowa, and East Stockton.

That division is 116 miles, Mr. Smith?

Mr. Smith: 116.7 miles.

Mr. Stone: Mr. Smith, you are at present in the employ of the Chicago Great Western Railway?

Mr. Smith: Yes, sir.

Mr. Stone: In what class of service?

Mr. Smith: Freight service.

Mr. Stone: How long have you been in this service?

Mr. Smith: Eleven years on the Great Western.

Mr. Stone: Are you a hired man?

Mr. Smith: I am a hired man; yes, sir.

Mr. Stone: What class of engine do you run?

Mr. Smith: I run a Consolidation, Mikado and Mallet.

Mr. Stone: What are you running at the present time?

Mr. Smith: We have no regular engines. We run in a pool, and we run those three classes first in first out.

Mr. Stone: You may get a Consolidation one trip, a Mikado the next, and a Mallet the next?

Mr. Smith: Yes, sir.

Mr. Stone: What is the weight of this Mallet engine you have in service on the Great Western?

Mr. Smith: 307,000 pounds on the drivers.

Mr. Stone: What do the Mikados weigh?

Mr. Smith: The Mikados weigh 218,000 pounds.

Mr. Stone: And the Consolidation?

Mr. Smith: 198,000 pounds.

Mr. Stone: When you say that, you mean pounds on drivers?

Mr. Smith: Pounds on drivers, yes.

Mr. Stone: Has there been any material increase in the tonnage rating on your division since 1910?

Mr. Smith: Yes, sir.

Mr. Stone: Will you please explain that to the Board.

Mr. Smith: In 1910, the rating of the Consolidated engine was 1,700 tons, west bound. This rating has been increased from time to time, and on December 1st, 1914, the tonnage sheet was changing, rating these engines at 2,000 tons. In 1910, west bound, the weighted rating of the Mallet type was 2,400 tons; the same engines are now rated at 2,600 tons. That is, with a helper over one grade of 1 per cent, 4 miles long.

Mr. Stone: East bound what is your rating?

Mr. Smith: East bound in 1910 for the G-3 or Consolidation engines the rating was 1,600 tons. For 1914 it was 1,800 tons.

On the L-1 engine in 1910, while there was no established rating, we were pulling 1,600 tons.

In 1914 it was 1,900 tons, and we have pulled 2,000 tons.

The Mallet type in 1910 pulled 2,000 tons.

In 1914 it is pulling 2,400 tons.

Mr. Stone: You say at times you have pulled 2,000 tons. That is more than the card rating, of course. That is brought about by the order of the chief despatcher?

Mr. Smith: Yes, sir.

Mr. Stone: Isn't it quite a common practice for the chief despatcher to give an order to the crew to increase the tonnage above their rating?

Mr. Smith: Yes, sir; we take anything the despatcher says. We really don't know what our rating is. We take anything and question nothing.

Mr. Stone: Have your hours of service been increased by this increase in tonnage?

Mr. Smith: Yes, sir, our hours of service have increased.

Mr. Stone: To what extent have they increased?

Mr. Smith: They have been increased about two hours a trip, and according to the time we get away, sometimes it will go as high as six hours a trip.

Mr. Stone: About how much time do you use in going over the road with a drag freight?

Mr. Smith: Twelve and a half hours is a very conservative estimate.

Mr. Stone: Does that include your preparatory time, Mr. Smith?

Mr. Smith: No, sir, it does not.

Mr. Stone: How much time are you required to report for duty before the time called to leave?

Mr. Smith: Thirty minutes.

Mr. Stone: How much time do you usually report before you are called to leave?

Mr. Smith: I usually figure that I have got to be there forty-five minutes, to get my engine ready to leave the roundhouse track in time to get on the train, as required.

Mr. Stone: Explain to the Board just what you do in getting ready.

Mr. Smith: In getting the engine ready I report to the roundhouse, look over the bulletin boards, register my watch, register my oil ticket, and register out; look over the work reports of the engine that came in when the man previous had it, go out on the engine and see if all the sand boxes are filled, that the tank is full of water, try the gauge cocks, see that all injectors are working, and look over all parts that may be loose that would affect us in making a successful trip, see that all supplies

are there, such as lanterns, torpedoes, fusees and flags are on the engine.

Mr. Stone: Do you fill your own grease cups?

Mr. Smith: We do not.

Mr. Stone: The company fills them for you?

Mr. Smith: The company fills them for us.

Mr. Stone: And you say you usually put in about forty-five minutes, although you are only required to be there thirty minutes?

Mr. Smith: We are required to leave the roundhouse in case we are called for 2:30, we are required to leave the roundhouse at 2:15.

Mr. Stone: You must be ready to move?

Mr. Smith: We must be ready to move. If not, an engine failure is put on the roundhouse force, and so, to get ready in these fifteen minutes it is impossible, so we figure on being there fifteen minutes sooner than we are required to report.

Mr. Stone: For all of these forty-five minutes of preparatory time, you get no pay?

Mr. Smith: Not any.

Mr. Stone: And your time is paid on the road from the time you are called to leave?

Mr. Smith: Called to leave: From the time signed in the caller's book.

Mr. Stone: Then, you are on duty and responsible for an engine and are moving an engine through perhaps a congested terminal fifteen minutes before your time begins?

Mr. Smith: Fifteen minutes before your time begins.

Mr. Stone: And you must be ready to move during that fifteen minutes or it would be considered an engine failure on the roundhouse?

Mr. Smith: On the roundhouse. At some places on our system we move the engine thirty minutes before leaving time.

Mr. Stone: In your judgment, have your responsibilities been increased on account of the heavy tonnage?

Mr. Smith: Yes, sir.

Mr. Stone: In what way?

Mr. Smith: On account of the heavier and longer trains, greater care and skill required in starting and handling the train; greater care is necessary in using the air to avoid damage

to draw-bars and lading; and in running this train over the sags and hog backs, in handling the throttle so the engine does not pull out the draw-bars, which is a very great item and requires a great deal of skill.

Mr. Stone: It might be well for you to explain to the Board what you mean by hogback. That phrase I don't believe has been used by any of the other witnesses.

Mr. Smith: A hogback, for illustration, is this, that is a sag in the hump. When the engine is here, the rear end of the train is up here, if it is 70, 80 or 90 cars, and they cannot keep the slack out of this train, that slack runs into the engine, and when the engine comes over here and the rear end is here, this slack is out, and with the engine pulling this way we get a jerk.

Mr. Park: Mr. Chairman, I suggest if the witness can, that he describe that, because the reporter cannot get down the illustration.

Mr. Smith: A hogback is commonly called a hump.

Mr. Park: That is the summit of the hill generally between two valleys.

Mr. Stone: It is a fact that in the early days in the building of railroads when they built them by the mile for land grants and various other things, that they built them along the surface of the ground without much grading, is it not?

Mr. Smith: That is what they did.

Mr. Park: They did not get any more land for building over the top of a hill, did they?

Mr. Stone: It did not cost so much then in building more miles and winding around grades.

Mr. Smith: It saved the expense of cutting down those small humps, but we had no trouble at all with the small humps when we had 25 and 30 cars.

Mr. Stone: I think the remark of Mr. Park is perfectly correct. They could not have taken any more land unless they took all there was. They got most of it, anyway.

Mr. Park: They sold it again, and the government sold their land for twice the price they obtained, holding it for the coming of the railroads.

Mr. Stone: The railroad companies have not sold all the land. They still own some that is quite valuable, as we will show later.

Has there been any increase in your wages?

Mr. Smith: No, sir.

Mr. Stone: Since 1910?

Mr. Smith: No, sir.

Mr. Stone: There has been no increase since the wage movement of 1910?

Mr. Smith: No; the 1910 movement was not put into effect until July 1, 1911.

Mr. Stone: I fail to understand why you did not get it into effect sooner, because the agreement read it was effective December 24, 1910. That is the agreement they signed, at least.

Mr. Smith: Effective July 1, 1911, the 1910 movement.

Mr. Stone: Do I understand, Mr. Smith, that you did not get the differential for the Mallet rate made by the 1910 agreement until July, 1911; that it was not paid to the men?

Mr. Smith: I would not say. I am not just sure at the present— I don't just remember.

Mr. Stone: The Chairman says the rate went into effect on December 24, 1910, but the schedule was not printed until the following July, so that will straighten that out. I have no desire to get anything in the record that is not correct.

Mr. Park: Was the Great Western in the hands of a receiver at that time?

Mr. Smith: I think they were. I would not say just about that, either.

Mr. Stone: The Great Western was taken out of the hands of the receiver and reorganized in some time the latter part of 1909.

Is it not a fact that much of this preparatory work on your engine, in order to be ready to move out fifteen minutes before your leaving time, is done out in the yard after you get on your train?

Mr. Smith: Quite a bit of it.

Mr. Stone: Don't you consider it a dangerous practice to do this preparatory work?

Mr. Smith: Very dangerous. They move the train without giving any warning to the engineer. We sometimes have to couple onto a train before it is made up; that is, the head end of this train will be made up on number 6, and then you would go on number 6 and couple onto that cut of cars, and there are other

cuts of cars kicked in there by a switch engine without warning, and when we go down oiling, or doing different things that are necessary to be done, the engine is liable to move up unbeknown to us, without any warning at all.

Mr. Stone: You are liable to get injured by doing work of that kind if the engine should move?

Mr. Smith: Yes, sir, we are liable to injury. I had a case where the cylinder cock refused to close after I left the roundhouse, and I did my work over there, and they moved the engine right over me; that is, the cylinders and the rods went over me before I could jump out, and they very near caught my elbow and crushed it up.

Mr. Stone: Are you ever tied up on your road under the Federal law?

Mr. Smith: We are tied up under the Federal law possibly five times a month.

Mr. Stone: Have you any record of these particular cases?

Mr. Smith: I have a record, but not with me right at present.

Mr. Stone: About how much are your monthly earnings, Mr. Smith?

Mr. Smith: $158.28 for the last twelve months was my average earnings per month.

Mr. Stone: You worked pretty regularly, did you?

Mr. Smith: I worked as much as I could, with the exception of sickness and being off where I was not able to go out because of cinders in my eyes, and a lame back from riding the engine so continuously.

Mr. Stone: About how many hours are you usually held out, that is, from the terminal?

Mr. Smith: In November, 1914, the average hours held away from home was eleven hours and nine minutes, opposite from the home terminal. Pardon me, that was in 1909, in November, 1909.

In November, 1914, eighteen hours and twenty-one minutes was the average lay-over away from home.

Mr. Stone: That is about an average of the way it usually runs?

Mr. Smith: There was an average in 1914 for January and February of fifteen and a half hours away from home at the

opposite terminal. Those were months that we made on the average $158.20 also.

Mr. Stone: So that that could be taken as a fair average for your held away from home terminal on your division?

Mr. Smith: That could be taken as a fair average for the entire year.

Mr. Stone: You spoke of your average month's pay for the last twelve months being $158.12. Have you any figures or data of any kind to show a greater earning prior to the increases of 1910, than since that time?

Mr. Smith: I have. In November, 1909, I made $219.69 at the rate of $4.70 per hundred. On a smaller type engine than we have now.

My average time away from home terminal was eleven hours and nine minutes. I made twenty-six trips, 329 hours and 15 minutes; twelve hours and thirty-nine minutes each trip.

I laid over from home one hundred and thirty hours and twenty minutes that month and I was at home one hundred and sixty-four hours. Each trip averages six and a half hours.

My wages were forty cents per hour for all time away from home. That includes the time on duty and the time laying away from home in 1909. In 1914 my wages were thirty cents per hour for all time away from home, which includes the time on duty and the time off of duty at the opposite end.

Mr. Stone: Regardless of the fact that you were running an engine that carried how much higher a rating?

Mr. Smith: The engine I ran in 1909 was $4.70 per hundred; and the engines I ran in 1914 were $5.30, $5.55 and $6.30; the $6.30 engine would possibly be a little over one-third.

Mr. Stone: Have you any tunnel conditions on your division that are dangerous or make it bad to operate?

Mr. Smith: Yes, we have a tunnel at Winston, about half a mile long, and a one per cent grade.

Mr. Stone: How is it, close? Are those Mallets pretty close?

Mr. Smith: The Mallets are very close. I haven't got just the figures; when we got close to the tunnels we didn't have time to get figures, and I have never been able to get any since, but the tunnel conditions are such that with a double header

we have considerable trouble, and with a single train we have no trouble, any more, when the fan is running.

We had a fan put in there about two years ago, and when we have what we call a single train, one engine, the fan blows the smoke and gas and heat all ahead. We go through there with our windows open and have no trouble at all, although we cannot see ahead of the engine; possibly half way up the engine.

But, when we run a double header, we cannot operate the fan on account of the fact that the fan blows the heat and smoke and gas from the second engine into the cab of the first engine, and it is impossible to stand this, so they shut the fan off.

We are supposed to show fifteen miles per hour through there, and it takes us two and a half minutes to go through, but, on account of the excessive smoke and heat and gas, men have been overcome in there. There is one fireman in particular that lost his voice in there; and I was overcome in there, and had presence of mind enough to shut the engine off as I was becoming overcome, and when I came to I was laying on the deck of the cab, and the engine was running away on a one per cent grade backwards. I had a fireman on a double header in there that was overcome and was off duty for five weeks on account of the heat and the gas, and his lungs being burned, and his muscles in here (indicating), which contracted some muscles in his leg so that he could hardly walk. In fact, we had to carry him from the passenger train to the cab to take him home.

The Chairman: Is the fan attached to the engine?

Mr. Smith: No, the fan is a permanent fan at the end of the tunnel, at the east end of the tunnel, and is a large fan, something in the form of a turbine wheel, that rotates and throws this air in behind us and around us, and it works very satisfactorily.

Mr. Stone: This condition of the tunnel has been up repeatedly with the officials, has it not?

Mr. Smith: It has been taken up repeatedly.

Mr. Stone: And one of the results was the fan was placed in there?

Mr. Smith: As one of the results the fan was placed in there or the men could not possibly stand it.

Mr. Stone: Do the operating officials of your road ever ride with you through this tunnel?

Mr. Smith: I have never seen or heard of any, with the exception of the road foreman of engines.

The Chairman: Before you leave that, Mr. Stone, let me ask: what is the length of this tunnel?

Mr. Smith: This tunnel is either a trifle over a half or a trifle under—there is a few feet one way or the other.

The Chairman: Half a mile, do you mean?

Mr. Smith: Yes, sir, half a mile.

Mr. Stone: Have you noticed any particular increase in the cost of living, the last four years, in your section of the country?

Mr. Smith: I have.

Mr. Stone: In what way?

Mr. Smith: I have noticed it in house rent and meals. Meals in 1910, small steak, was 25 cents; in 1914, a small steak is 30 cents. A sirloin in 1910 was 35 cents, and a sirloin in 1914 is 50 cents. Porterhouse, in 1910, was 35 cents; and a porterhouse in 1914, 40 cents to one dollar; and the ratio is about the same all the way through the cards.

Mr. Stone: In that comparison, are you quoting from the same restaurant or the same eating house?

Mr. Smith: The same eating house. This was in 1910 or 1914, the same eating house at Stockton, Illinois, the eastern terminal. Sandwiches have about doubled.

Mr. Stone: What in, price or quality?

Mr. Smith: Well, the quality has remained about the same and the quantity of most has reduced about half. The quality stays about the same and the quantity has reduced. The price is double **in a great many.**

Mr. Stone: In working with this heavy power, Mr. Smith, do you have much time of what you would call your own time, at your home terminal, or with your family, or does it take about all your time to get the necessary rest in making these hard trips?

Mr. Smith: In making the money I made in 1914, especially in the month of November, I really had no time at home that I could call my own. I have been at home as high as twenty-two hours and a half, and it has only been possible to be out of bed two hours. I have an illustration here that I wish to cite in that, so that the gentleman will understand. On No.

71, westbound train, date 11/17/14, I arrived at Oelwein at 11:33 A. M., and I arrived home at 12:30, and was in bed at 1:30, which is the best that we could possibly do in ordinary cases. I got up at 6 P. M. for the reason that I was first four times out, and I called them up on the telephone and they said that I was first out and that I might be called at 8:30, so as I had only had four hours and a half sleep, and as I would in all probability catch a Mallet out, I went back to bed to get some more rest, there was nothing for me to do but to go right back to bed and I was called the next morning at 8 A. M. for 10 A. M., making me home twenty-two and a half hours with only two hours out of bed.

Mr. Stone: Isn't it a fact that a man who is in this chain gang service, when he is the first out, is practically on duty, subject to call at any minute?

Mr. Smith: You haven't time to go out with your family at all, if you are first or second out, after 6 o'clock in the evening. You dare not go any place unless you leave a call. You are subject to call at any minute; liable to be a wrecker sent out at any minute, and you have got to be where they can get you, and if they do not get you, they send the next crew out and you lose that time.

Mr. Stone: And probably will be called down to explain why you could not be found?

Mr. Smith: To explain why you could not be found.

Mr. Stone: You speak of requiring so much rest. Is it not a fact that this particular type of engine, the Mallet, is a very hard engine?

Mr. Smith: Our Mallets and Consolidators are very hard riding engines, and the pounding that you receive on the road, the jolting and pounding, after you make a trip on a Mallet of fourteen hours and receive eight hours off duty and then make another trip of fourteen hours, when you come in, if you want to see how you will look when you are seventy years old, just look in the looking-glass, that is the effect it will have on you. Just look in the looking-glass and you will see how you will look when you are seventy years old.

Mr. Stone: After your arrival at the terminal are you required to make an inspection of your engine?

Mr. Smith: Yes, an outside inspection. We are not required to inspect the engine underneath. Anything the matter

with the engine or wrong with the engine underneath, why, that is assumed by the company, and we are just required to make an outside inspection of anything we can see.

Mr. Stone: Isn't it a fact it would be impossible to make an inspection underneath without having the engine over a pit?

Mr. Smith: Well, it would, yes, by myself. If we were called upon to stand for an inspection underneath the engine, if we had to stand responsible for anything that is wrong there, it would be necessary for us to go under the engine some way, for us to make this inspection.

Mr. Stone: And then you make out your work report and time ticket and any other reports incidental to the trip, and register off duty.

Mr. Smith: And register off duty.

Mr. Stone: How long does that usually take from the time of your arrival in the yard?

Mr. Smith: From the time we arrive in the yard, it is hard to tell, but from the time our pay stops until we get through with this, it will take fifteen to thirty minutes.

Mr. Stone: You say when your pay stops; when does your pay stop?

Mr. Smith: The minute the engine strikes the roundhouse track.

Mr. Stone: So, you donate from thirty to forty-five minutes before you start on the trip, and fifteen to thirty minutes after you arrive at the terminal?

Mr. Smith: Yes. I have been, in making out different reports, such as breaking-in-two reports, personal injury reports, and accident reports,—you will consume more time than that, but that does not always happen every trip.

Mr. Stone: I think that is all, Mr. Chairman.

The Chairman: The witness is with you, Mr. Sheean.

CROSS-EXAMINATION.

Mr. Sheean: Mr. Smith, have you been on this division of the Great Western all of the eleven years that you have worked there?

Mr. Smith: All of the eleven years. We hold rights from Oelwein to Chicago, and we formerly ran from Dubuque to Chicago through this town of Stockton, but they cut the division,

and when they cut the division, possibly six months or so after, I took the west end, between Stockton and Oelwein.

Mr. Sheean: The run you had before the division was cut was about 180 miles, wasn't it?

Mr. Smith: One hundred and sixty-seven.

Mr. Sheean: And when was that change in the divisions made on the Great Western?

Mr. Smith: I think that change was made in 1911.

Mr. Sheean: And, what changes were made in the way of straightening out the curves and reducing grades on the Chicago Great Western about 1911, or since the reorganization of the company?

Mr. Smith: At Myrtle, between Myrtle and Byron, there was a sag that was raised a little, and there was one place at Esmond which was cut down; but the ruling grades were not cut that I know of.

Mr. Sheean: Well, the ruling grade has always been this hill up to the tunnel from the Mississippi River, hasn't it; this one per cent grade?

Mr. Smith: On the Eastern division; that is, between Dubuque and Chicago, or between Oelwein and Chicago—

Mr. Sheean: Well—

Mr. Smith: No, that isn't the ruling grade. The ruling grade is between Kidder and Farley.

Mr. Sheean: Between Dubuque and Chicago?

Mr. Smith: Between Galena Junction and the tunnel and between Rush Creek and Stockton, and between North Hanover and the top of Woodbine Hill.

Mr. Sheean: Those are all practically one per cent grades?

Mr. Smith: Yes.

Mr. Sheean: What changes have there been since 1910, if any, in the manner, or the way these pool or chain gangs have been operated?

Mr. Smith: There were time freights at one time that had regular crews. In November, 1909, there were time freights; but I wasn't on any of those.

Mr. Sheean: In respect to men who are in the pool having to be where they may be found in case of any accident or emergency, that condition has obtained in pool gang service all the time you have railroaded, hasn't it?

Mr. Smith: All the time I have railroaded.

Mr. Sheean: There hasn't been any change in that respect since 1910?

Mr. Smith: Not any.

Mr. Sheean: When was the double tracking on this road done, between Stockton and Dubuque, or, between Stockton and where they go onto the Illinois Central tracks?

Mr. Smith: It was done prior to 1909.

Mr. Sheean: All completed prior to 1910?

Mr. Smith: I am sure it was.

Mr. Sheean: And when was the terminal established at Stockton?

Mr. Smith: About 1911.

Mr. Sheean: How many Mallets are there in this pool which you operate?

Mr. Smith: There are ten Mallets which were brought there, but two have been taken away since. I think there are eight there now.

Mr. Sheean: How many Consolidations and how many Mikados?

Mr. Smith: Well, there are ten Mikados and, Consolidations, it is hard to say; they have forty Consolidations, but they are scattered around. I should judge there are about six or seven of those running up and down there, on and off.

Mr. Sheean: How many men work in the same pool with you?

Mr. Smith: There are about an average of eleven crews.

Mr. Sheean: So that the earnings which you speak of are fairly representative of the average earnings of the men in the pool?

Mr. Smith: Well, if not more so. I think my earnings probably might be a trifle larger than the average for the eleven or twelve crews.

Mr. Sheean: That is because you have laid off less than the other men, do you think?

Mr. Smith: Well, I work pretty hard. I think maybe one or two men might have a trifle better average, but as a general average of the eleven crews, I think my average will compare with any of them, if not higher.

Mr. Sheean: All the men who are in this pool have about the same opportunity?

Mr. Smith: The same opportunity, yes.

Mr. Sheean: In the matter of the preparation of engines and in the way in which engines were handled at terminals, has there been any change in practice since 1910?

Mr. Smith: Not that I know of.

Mr. Sheean: So that the rates which were established by the concerted movement of 1910, were rates, that, so far as your road is concerned, which were established on a road where the practice obtained, that in addition to the road running, engineers did report thirty minutes or more before the departure of their engine, and did work on and about their engines?

Mr. Smith: Prior to 1910, our schedule said if man was required to report more than thirty minutes before leaving time, he should be paid for such time. That is practically the only difference.

Mr. Sheean: But, in 1910, they were required to report thirty minutes before departure?

Mr. Smith: Yes, sir.

Mr. Sheean: Before time called to depart?

Mr. Smith: Yes, sir.

Mr. Sheean: And, at the time the rates were established for Mallets and these larger types of engines, the men on that road customarily did report thirty minutes before departure?

Mr. Smith: Thirty minutes before departure.

Mr. Sheean: When were the Mallets installed on this division of the Great Western?

Mr. Smith: In 1910.

Mr. Sheean: It must have been after the Award of 1910?

Mr. Smith: I don't know just what part of 1910. They were not here in 1910.

Mr. Sheean: What about Mikados of 218,000 pounds?

Mr. Smith: They came in 1911.

Mr. Sheean: And the Consolidations up to 198,000?

Mr. Smith: The 198,000 came in November, 1909.

Mr. Sheean: So that the Mikados and the Mallets have been established on that division since the Award of 1910?

Mr. Smith: Mallets and L-1's.

Mr. Sheean: What is it?

Mr. Smith: The Mallets and the Mikados—L-1's have been, yes.

Mr. Sheean: You gave us the tonnage ratings at the present time, and told us of instances in which larger trains were hauled than the tonnage ratings. There are a great many instances also, in operations, where the tonnage rating is not in the train, aren't there?

Mr. Smith: Yes, sir, manifest trains.

Mr. Sheean: In the handling of trains which are not manifest trains, is the traffic department always able to supply men on that road with cars up to the full tonnage ratings of the engines?

Mr. Smith: Unless they want an engine at the other end of the division for something very badly, they hold the train for the full tonnage.

Mr. Sheean: Is the traffic on that division of the Great Western evenly balanced, about as much in one direction as in the other?

Mr. Smith: At certain times of the year. Other times of the year they have to run light engines from one division to the other, from one end to the other.

Mr. Sheean: What season of the year is that traffic evenly balanced on the Great Western, some two months in the year, out of the twelve?

Mr. Smith: Possibly six.

Mr. Sheean: Six months evenly balanced, and you get full tonnage rating in both directions?

Mr. Smith: Get full tonnage rating in both directions.

Mr. Sheean: The other six months, in which direction is the current of traffic ordinarily?

Mr. Smith: Just at the present time the east bound is very heavy. It is liable to switch around vice versa in the same month.

Mr. Sheean: The east bound is very heavy, you say?

Mr. Smith: Yes.

Mr. Sheean: About what difference is there between the tonnage east bound and the tonnage west bound?

Mr. Smith: When I came down here they were running about one light engine west every two days.

Mr. Sheean: By running light you mean without any tonnage at all?

Mr. Smith: Running light without any tonnage whatever at all, to bring tonnage east.

Mr. Sheean: And a man running light on that engine—that would be just an engine and caboose?

Mr. Smith: Just an engine alone, no caboose at all.

Mr. Sheean: Just running without any tonnage, would make that run ordinarily in about what time?

Mr. Smith: Seven hours.

Mr. Sheean: When they are running absolutely light, have got just a light engine?

Mr. Smith: Six or seven hours.

Mr. Sheean: How near the tonnage rating are the west bound trains, at the same time?

Mr. Smith: When the engine is running light?

Mr. Sheean: Yes.

Mr. Smith: Their tonnage rating.

Mr. Sheean: They keep all the other trains up to full tonnage rating?

Mr. Smith: Yes, sir.

Mr. Sheean: You get the same pay, or, the man who has one of those light engines there, gets the same pay for going over the division with that light engine as if he had the tonnage rating?

Mr. Smith: Yes; we get the same pay, and we get the Mallet engine, and we get the same pounding, same hard riding.

Mr. Sheean: Are the responsibilities just the same.

Mr. Smith: More.

Mr. Sheean: Greater, running the light engine?

Mr. Smith: Greater, running the light engine.

Mr. Sheean: So that it is not, in your judgment, at all feasible to base any schedule upon whether the engine is running light, or the amount of tonnage it is pulling, or the percentage of tonnage it is pulling?

Mr. Smith: We have more responsibility with the light engine in one way, and more in another with the train.

Mr. Sheean: As a matter of actual practice, Mr. Smith, the practical operation of railroads, it is not feasible to have the rates for an engineer change as you change from day to

day, whether he runs a light engine, or a full tonnage train, or a half-tonnage train?

Mr. Smith: I would say that the man that runs the light engine, should receive the same pay that he would if he had a train.

Mr. Sheean: And so, with a train, if the train wasn't up to the full tonnage rating of the engine, it would not be feasible, in practice, to cut his pay because there was not the full tonnage rating in that train?

Mr. Smith: He has his responsibility, and as the speed increases the strain on the engineer increases to that extent.

Mr. Sheean: So that, as you lighten the load that is put on an engine, and permit the engine to go more rapidly over the division, the responsibility of the engineer increases?

Mr. Smith: The responsibility of the engineer increases as regards danger.

Mr. Sheean: When you said that in the practical operation of the road you took whatever the despatcher told you to take, even though you exceeded the tonnage rating, I suppose that obtains also as to going out light, with anything that the despatcher tells you to take?

Mr. Smith: We go without any question.

Mr. Sheean: Now, you have known this tunnel at Winston during all the time you have operated on the Great Western?

Mr. Smith: Yes, sir.

Mr. Sheean: It is a fact, is it not, Mr. Smith, that from the time that tunnel was constructed there have been changes and improvements, and efforts made to better conditions in and about the tunnel?

Mr. Smith: Yes, sir.

Mr. Sheean: From the very outset, the railroad has had to expend large sums of money in and about the reconstruction, betterment and improving of conditions in that tunnel, have they not, for as long as you have known the road?

Mr. Smith: The large expenditure that the company put on this tunnel, was in bricking it up, which made it worse for the men.

Mr. Sheean: Originally, there was a large sum of money expended in cutting down the approaches to the tunnel?

Mr. Smith: Not in my time.

Mr. Sheean: Not in your time?

Mr. Smith: No.

Mr. Sheean: In your time, did they spend a large sum of money in driving a shaft near the center of the tunnel?

Mr. Smith: Not in my time; no, sir.

Mr. Sheean: But, when you came there, there were two air shafts provided in the tunnel, so as to provide exits for the smoke?

Mr. Smith: That air shaft in the tunnel absolutely made no difference to the men on the engine at all, absolutely none.

Mr. Sheean: I am not asking as to whether it accomplished the results, but it was put in, was it not?

Mr. Smith: It was before my time.

Mr. Sheean: It was before your time?

Mr. Smith: Yes.

Mr. Sheean: And then, since your time, so far as the men are concerned, in addition to bricking the tunnel, they have provided this fan?

Mr. Smith: Yes, they have provided the fan.

Mr. Sheean: Which works very satisfactorily, you say, except when there are doubleheaders on the train?

Mr. Smith: Doubleheaders, yes.

Mr. Sheean: Conditions are really better, so far as that tunnel are concerned, now, than they were in 1910, are they not?

Mr. Smith: Yes, conditions are better.

Mr. Sheean: Your home terminal is Oelwein, is it, Mr. Smith?

Mr. Smith: Our home terminal is not Oelwein, but I made my data with the home terminal Oelwein. My home terminal is at East Stockton, Illinois. Now, I cannot live at East Stockton, Illinois, because there is no place to live there. There are not any of the men on the Western division that live at East Stockton. It is impossible to live there unless you live up-town, and if you live up-town it is a mile and a half walk, or a little further, to the roundhouse, which would be impossible to do, and would give you less time at home with your family. So, if I had put in my home terminal or made it East Stockton, my average would have been 22 or 23. So, regardless of the company's bulletin that East Stockton was the home terminal, we

moved to Oelwein, and all of the twelve crews live at Oelwein, now, opposite the home terminal.

Mr. Sheean: All of the twelve crews live at Oelwein?

Mr. Smith: Yes, all of the twelve engine crews. I know of one fireman, I think that is all, that lives at Stockton. He is running on the Eastern division between Chicago and Stockton. I think that is all that lives there, of the enginemen.

Mr. Sheean: The rest of them, even though that is the home terminal, live here in Chicago, if they are running on the Eastern division?

Mr. Smith: Well, Chicago is the home terminal for the Eastern division. East Stockton is the home terminal for the Western division, and the Western men live opposite the home terminal. They live at Oelwein.

Mr. Sheean: All I was getting at, Mr. Smith, was whether in your computation of time you treated Oelwein as the away from home terminal or the home terminal?

Mr. Smith: No, I did not. It would have made it larger if I had. I should have done it and it would have made the lay-over at the away from home terminal larger, but I made it East Stockton.

Mr. Sheean: But, you made the place where this average of twelve and a half hours in 1910, and eighteen hours in 1914, at—

Mr. Smith: I made that at East Stockton.

Mr. Sheean: At East Stockton?

Mr. Smith: Yes.

Mr. Sheean: Where was this away from home terminal in 1909?

Mr. Smith: That was at Chicago.

Mr. Sheean: At Chicago?

Mr. Smith: Chicago, yes. I lived in Dubuque then.

Mr. Sheean: You lived in Dubuque then?

Mr. Smith: Yes, we ran from Dubuque to Chicago.

Mr. Sheean: And the comparison that you were making was when you operated on a division which was 167 miles long?

Mr. Smith: 167 miles long, yes, sir.

Mr. Sheean: And this eleven hours and four minutes which you were at the away from home terminal, was the time you spent here in Chicago?

Mr. Smith: At the end of each trip.

Mr. Sheean: At the end of each trip, before you started out on your return trip to Dubuque?

Mr. Smith: To Dubuque, yes, sir.

Mr. Sheean: The average time held away from home terminals in 1914 of eighteen hours and twenty-one minutes, that you have given, is in fact the time which you have averaged with your home and family between runs? That is, the eighteen hours and twenty-one minutes which you have averaged has been the average time you have had at Oelwein?

Mr. Smith: No, that is the average time we have had at East Stockton.

Mr. Sheean: You have treated East Stockton as the away from home terminal, then?

Mr. Smith: That is the eighteen hours and twenty-one minutes. It would have made a different average if I could have been at East Stockton; but, I cannot live at East Stockton, unless I put up a tent or something of that kind.

Mr. Sheean: East Stockton is about how far from the town of Stockton?

Mr. Smith: It is just a trifle less than two miles from the roundhouse.

Mr. Sheean: The roundhouse and shops were built just on the outskirts of the town of Stockton?

Mr. Smith: Yes.

Mr. Sheean: The town of Stockton was built at the time the Great Western Railroad was built?

Mr. Smith: I think so.

Mr. Sheean: A town of about how many inhabitants?

Mr. Smith: About 1500.

Mr. Sheean: About 1500?

Mr. Smith: 1200 to 1500.

Mr. Sheean: 1200 to 1500 people?

Mr. Smith: Yes.

Mr. Sheean: All I was seeking to get, Mr. Smith, was where the eighteen hours and twenty-one minutes between runs was, and as I understand, you averaged during the month of November, 1914, between runs, at the point which the company designates as the home terminal for the men on that run,

eighteen hours and twenty-one minutes, between each of the runs?

Mr. Smith: Between each of the runs, yes, sir.

Mr. Sheean: And having eighteen hours and twenty-one minutes at what the company designates as the home terminal, you made in that month, how much money?

Mr. Smith: $186.16. That is, that is the time I sent in. I haven't got my check yet. I may not draw that.

Mr. Sheean: $186.16?

Mr. Smith: $186.16.

Mr. Sheean: Have you had a check for any part of the wages of that month?

Mr. Smith: No, sir. We run in Illinois partly, and we only get paid once a month because we live in Oelwein, I suppose. I don't know the reason exactly.

Mr. Sheean: And how many trips were made?

Mr. Smith: There were 25 trips, 248 hours and 50 minutes on duty.

Mr. Sheean: Was it November, 1909, that you gave the earnings of $219.69 for?

Mr. Smith: November, 1909, yes, sir.

Mr. Sheean: How many hours on duty?

Mr. Smith: 329 hours and 15 minutes.

Mr. Sheean: I didn't get the number there.

Mr. Smith: 26 trips, 329 hours and 15 minutes.

Mr. Sheean: What did you say the hours on duty for November, 1914, were?

Mr. Smith: 248 hours and 50 minutes.

Mr. Sheean: Then the actual hours on duty in November, 1909, were largely in excess of the hours on duty in November, 1914?

Mr. Smith: Yes.

Mr. Sheean: When you spoke of there being about five tie-ups a month under the law—

Mr. Smith: I would like to—

Mr. Sheean: Pardon me.

Mr. Smith: In November, 1909, I made 4,670 miles, and in November, 1914, I made 3,159 miles.

Mr. Sheean: In November, 1909, as I followed you, in three hundred and twenty-nine hours, your work earned $219.69.

Mr. Smith: Yes, sir.

Mr. Sheean: In November, 1914, in 248 hours, you made $186?

Mr. Smith: $186.16.

Mr. Sheean: So that the number of hours that you were on duty was higher in 1914 than in 1910?

Mr. Smith: The rate per hour was higher.

Mr. Sheean: When you spoke of there being five tie-ups under the law a month, or possibly five tie-ups, I guess, is the way you put it—

Mr. Smith: Yes, possibly.

Mr. Sheean: That was meant to apply to the twelve crews?

Mr. Smith: Twelve crews. It is a very conservative estimate, I think, twelve.

Mr. Sheean: And, those twelve crews during the month would make about the same number of trips that you have given there, for twenty-five trips?

Mr. Smith: Yes—well, no, they would not average that for the year. Twenty-five round trips for a year, that would be $186.00 every month. Twenty-two trips, I should say, would be a good average.

Mr. Sheean: So, out of twelve times twenty-two trips, you think the average of about five tie-ups on that run would be possibly a fair basis?

Mr. Smith: Just about.

Mr. Sheean: When you were running over the 167-mile division, or district, from Chicago to Dubuque, weren't the tie-ups much more frequent on that long division than on this shorter one?

Mr. Smith: When we run over there, I was using smaller power and we were hauling smaller tonnage. We started with the Consolidation engines, with 1,250 tons, and were worked up finally to seventeen, eighteen and nineteen hundred now, and the tie-ups have not been so very frequent. On 51, our manifest train, we pulled 950 tons for a while, and it gradually went up to 1,250, and gradually went up to 1,500.

Mr. Sheean: Mr. Smith, what I am seeking to get is whether or not the average time on the road in pool or chain gang service was or was not greater when you ran over the 167-mile division than when you ran over the 117-mile division?

Mr. Smith: In 1909, for instance?

Mr. Sheean: Yes.

Mr. Smith: I would say that it possibly averaged five or six tie-ups a month, with possibly twenty crews.

Mr. Sheean: Down to 1911, when this change was made, in the operation over these districts?

Mr. Smith: I don't think it would go any higher.

Mr. Sheean: In this through or irregular service, there is an agreement between the company and the men, is there not—an agreement or understanding—that the number of crews will be either reduced or raised according to business, so that the men make 2,800 miles each month?

Mr. Smith: That does not guarantee us anything.

Mr. Sheean: But the board is reduced at the request of the men, is it not?

Mr. Smith: We have had considerable trouble getting that done, but we have finally got to the point that they allow our committeemen to pull off a crew or put them on as they see fit.

Mr. Sheean: You say that has finally been accomplished. How long has it probably been there that your committeeman has had full power to take off or put on crews in this pool?

Mr. Smith: I should say four months.

Mr. Sheean: Back in 1909, there wasn't any agreement of that sort whereby the men themselves determined the size of the board?

Mr. Smith: Only in the schedule it did call for about so many days, and while it was not a guaranty that we would get them, the business kept so that we got those miles.

Mr. Sheean: It is true, is it not, that since the receivership and reorganization of the Chicago Great Western that that road has spent many millions of dollars in the reduction of grades and curves, and the putting on of new power?

Mr. Sheean: They have put on new power and they have put in new rails and new ties, but as to the reduction of grades we have not seen much of that. They have put in automatic block signals, which are very nice, but it makes more work for the engineer. He has to keep his head out of the window watching for these blocks.

Mr. Sheean: Automatic blocks have been established all over this division?

Mr. Smith: Between Chicago and Oelwein.
Mr. Sheean: And that was done since 1910?
Mr. Smith: Since 1910.
Mr. Sheean: Heavier rails and new ties?
Mr. Smith: Heavier rails and new ties and new ballast.
Mr. Sheean: That is all.
The Chairman: Anything further, Mr. Stone?

REDIRECT EXAMINATION.

Mr. Stone: Yes, I would like to ask a few questions. I think you spoke about running light over the road, Mr. Smith. When you run with light power over the road, do you have a flagman or conductor with you?

Mr. Smith: No, sir, we do not.

Mr. Stone: Then, you are held responsible for orders and everything else, in addition to the engine?

Mr. Smith: I act as the conductor and engineer, and the fireman acts as brakeman and fireman.

Mr. Stone: You stated, I believe, in response to a question, that you took this tonnage without question.

Mr. Smith: Yes, sir.

Mr. Stone: Isn't it a fact that all railroad employes carried out instructions every day without question?

Mr. Smith: They have to if they want to hold their jobs.

Mr. Stone: In regard to that lighter work and more mileage in 1909, is it not a fact that men with lighter power can stand for more miles than they can with the heavier power?

Mr. Smith: It is a very evident fact. The running of the engine with the lighter trains that we pulled made it so much easier on the old engines; but with our trailer Consolidations, it jars your backbone loose, absolutely jars it loose. I have gone in and reported engines to have this work done, where they jarred my tooth loose, which was a fact.

Mr. Stone: Now, in regard to that heavier power and the filling up of sags and the reducing of grades, none of that kind of work reduced the work of the engineer at all, did it?

Mr. Smith: Well, it might for a little stretch of two or three miles, if they filled up one sag I have in mind now, it would reduce the work on the engineer quite a little bit at that

one place, and also increase the company's revenue quite a little bit.

Mr. Stone: Isn't it a fact that all this reduction of grades and straightening of curves and increase of power has been for the purpose of increasing the profits of the railroads?

Mr. Smith: All for that purpose.

Mr. Stone: None of it was done for making the work of the engineer lighter, was it?

Mr. Smith: No, I never noticed anything in that direction. I take it, it was for some other consideration.

Mr. Stone: Simply to get increased tonnage over the road with less power?

Mr. Smith: Yes.

Mr. Stone: By the installation of heavier power on your road, has it had the effect of demoting men and putting men back, firing, cutting men off the board?

Mr. Smith: It has put two engineers on a great many engines.

Mr. Stone: That is, engineers acting as firemen?

Mr. Smith: Engineers as firemen. I would say that all of our passenger engines and all way freights have two engineers on each engine.

Mr. Stone: Speaking of the men in chain gang service, first and second out, being required to be in call, and the fact that that has always been required, in your opinion, is that any reason why it should be continued forever, that the men should be in call all the time at home?

Mr. Smith: I should not think he should. I have no time to have any amusement at all. In making my $186 I was simply a slave, simply a slave. I could not have any business, because I could not attend to it. I have no time except to rest. I send my wife up to pay my lodge dues and send my boy to get my shoes. In three weeks of this month, although I only live three blocks from the main street of the town, I was not on it at all. Simply went home and dove into bed and then out and on the engine. No social life at all, no amusements—I could not go any place with Mrs. Smith; and she is compelled to get up at all hours of the night to get my meals for me, besides getting three meals a day for the boys going to school.

Mr. Stone: In speaking of the 1910 settlement, is it not

a fact that the 1910 settlement was made after a strike vote had been made and was a compromise measure through the Board of Mediation and Conciliation, and was not at all satisfactory to a great majority of the men?

Mr. Smith: Well, if it hadn't been for some of our Grand Officers, I think they would have had a strike then. That is the way the sentiments of the men were at that time; they were so disgusted with it.

Mr. Stone: You speak of these automatic signals and being required to keep your head out of the window to see them. Is it not a fact that a Mallet engine is, in the winter time, very difficult to see from?

Mr. Smith: I have run a Mallet engine when I could not see the fireman who was not to exceed three feet from me. I have run a Mallet engine when it was impossible to see the right of way fence.

Mr. Stone: And the only way to locate where you were was by shutting the engine off?

Mr. Smith: Was by shutting the engine off and, going up a one per cent grade, it is not advisable to do that.

Mr. Stone: Could you have seen a flagman on the track or any obstruction, under those conditions?

Mr. Smith: I could not. I have sent messages to use torpedoes to stop me if they had orders at such and such stations, and would go in to find out if there were any trains between there and the next station.

Mr. Stone: Was it on your division, or the division west of there, where they ran over a man who had caught his foot in a frog, a year ago, with a Mallet engine, on account of leaking steam so bad?

Mr. Smith: That, I think, was a conductor at Dyersville.

Mr. Stone: What point?

Mr. Smith: I think there was a conductor at Dyersville who had his foot cut off. I understood at the time, while I have no real authority and could not swear to it—I understood at the time, though, that it was a Mallet engine and that it was impossible to see. I have run through switches with Mallet engines where it was impossible to see. I have sent a brakeman ahead to get a switch and I could not see the brakeman even; you would lose him.

Mr. Stone: I think you said to Mr. Sheean, that, for the last month, you had sent in time for $186.16, but you didn't know yet whether you would get it or not; is that correct?

Mr. Smith: That is correct.

Mr. Stone: Do you mean to have us infer that you have not heard from the expert time computer as to whether you will get that?

Mr. Smith: I mean to convey the idea that we are cut in our time slips and we do not know until such a time as we get our check whether we have got it, or until we check up afterwards and see where the cut is; and then when there are cuts they have to be taken through different channels, and sometimes it goes two or three months before you get the two or three months in which the cuts were made.

Mr. Stone: And do you always get it?

Mr. Smith: Not always. A different interpretation is put on the clause in the schedule and you do not get it.

Mr. Stone: I think that is all.

Mr. Park: Mr. Smith, are you the chairman of the local committee?

Mr. Smith: No, sir.

Mr. Park: You say a Mallet engine rides hard; is that an abnormal condition, or is it a condition applied to all Mallet engines?

Mr. Smith: I recall to my mind one engine, 604, that does not ride hard.

Mr. Park: Then, there is some condition of the driving boxes or springs, or equalizers, that causes it to ride hard?

Mr. Smith: Yes, sir.

Mr. Park: Do you report that condition?

Mr. Smith: I report that condition, yes.

Mr. Park: That is a condition that could be remedied then and the engine made to ride equally as well as the one you refer to?

Mr. Smith: We think so, although in the 300 class, I never knew of only the 325 and the 336 to ride good; what we call good riders.

Mr. Park: Are these engines equipped with automatic stokers.

Mr. Smith: No, there are not any automatic stokers.

Mr. Park: You spoke about a very serious condition, to my mind, of the engine being constantly enveloped in a cloud of steam which obscures your vision. Is that continuous, over the division; do you go along in that cloud all the time?

Mr. Smith: According to the time of day and according to the kind of weather it is. We have had them in the summer time, when on any hill—any hill and any time in the summer time, we have had it so you could not see. It comes from the valve stems and receiver pipes, and so forth. Then, again, when you are coming down over a sag, a slight down grade, then you can see the engine; but always, and especially at this time of year, in pulling out of your terminal, it is absolutely impossible to see anything after you have pulled the throttle open; absolutely impossible; and the only way we can get out is to send a brakeman ahead on the main line, and wait until he gives you the signal to go ahead, and if anything comes out of a lead switch in the meantime, you absolutely know nothing about it.

Mr. Park: Does this condition obtain in the summer time?

Mr. Smith: In the mornings it will, and also in the day, if the wind happens to be over there. If it is not a real warm day.

Mr. Park: Do you have this obscurity on a hot day?

Mr. Smith: What is that?

Mr. Park: Do you have that same obscurity on a hot day?

Mr. Smith: No, on a real hot day that will overcome that.

Mr. Park: You say that is caused by the piston packing being defective?

Mr. Smith: No, the valve stem.

Mr. Park: The packing in the valve stem?

Mr. Smith: The packing in the valve stem, the packing in the piston rods and receiver pipes and exhaust pipes and steam-chest.

Mr. Park: That is a condition then, that could be remedied by repacking the valves and valve stems?

Mr. Smith: At certain times of the year. In the winter time it does not seem as if it can be remedied at all. It seems absolutely impossible to remedy it in the winter time.

Mr. Park: You say you have automatic signals?

Mr. Smith: We have automatic signals.

Mr. Park: Are they harder to see than a man would have been, before the advent of the block signal?

Mr. Smith: Are they harder to see?

Mr. Park: Harder to see, yes.

Mr. Smith: What?

Mr. Park: Are they not up on a mast, some twenty feet high, giving an indication of safety or caution or danger?

Mr. Smith: Yes, they are up high, but, in fogs and rain and storm, while you know the location of these signals, you sometimes, in going along fast, will realize that you are going fast, and think maybe you had passed a signal where you cannot see the landmarks, and, therefore, it behooves you to put your head out, because one passed is the same as one at danger.

Mr. Park: If there was a broken rail or a defective switch, which might cause an accident, the block signals would indicate that condition, would they not?

Mr. Smith: Not always. They are supposed to, but they do not.

Mr. Park: Why; by reason of mechanical failure in the signals?

Mr. Smith: Well, I should judge so. I don't just exactly know what the real cause was. I knew of one where a mouse got in the cog wheel, and while I do not understand the making of them, they told me, in another place, where I stood behind No. 1, one night, and the signal went to danger after No. 1, and when she got ten car lengths away it cleared—they said that was on account of the relay that was turned up side down.

Mr. Park: The signals go to danger in case of any defective or broken wire, or anything happens to them?

Mr. Smith: They are supposed to. I have seen a signal stay at clear with both main line switches open, indicating that the track was perfectly clear for you to proceed, and put you in on a side track.

Mr. Park: You have observed that condition?

Mr. Smith: I have observed it and reported it.

Mr. Park: But, as a whole, you think the automatic signals are as much a benefit to the engineers as to anybody else?

Mr. Smith: As much a benefit to the engineers as anybody else, even with that defect.

Mr. Park: And you have had much heavier rails laid on your division in the last few years?

Mr. Smith: I should judge, possibly 10 pounds.

Mr. Park: Heavier?

Mr. Smith: Yes.

Mr. Park: That improves the physical condition of the track?

Mr. Smith: The physical condition of the track is as fine as any in the country.

Mr. Park: And that adds to the comfort of the engineer, does it not, to the extent it is better than a poor track?

Mr. Smith: On a Mallet I don't think so. I wish it was bad, so we could go slower.

Mr. Park: You think that a Mallet would ride just as hard on a smooth track as on a rough track ?

Mr. Smith: We would not run so fast.

Mr. Park: Where do you do this fast running?

Mr. Smith: It is not fast running. It is too fast, it is about twenty miles per hour.

Mr. Park: Are you required to run twenty miles per hour?

Mr. Smith: The engine is not to exceed a speed of twenty-five miles.

Mr. Park: As a matter of fact, twenty-five miles per hour is comparatively slow, is it not?

Mr. Smith: Yes, it is comparatively slow. It is comparatively slow for a Consolidator or a Mikado engine, but it is fast for a Mallet.

Mr. Park: What trains do you have, what class of business do you handle, that requires speed?

Mr. Smith: Manifest freight, coal and merchandise.

Mr. Park: You say, that the volume of business and the current of traffic fluctuates, sometimes, during one month. Is that frequently the case?

Mr. Smith: Sometimes we will have a week of one way and sometimes have a week of another; but, as I recall it now, we figured we would have nine months lay-over in Oelwein where we would have three months lay-over in East Stockton, when we moved there.

Mr. Park: When the business fluctuates you say they hold the tonnage up on the trains? You must run a good many light extras over the road?

Mr. Smith: Light engines, do you mean?

Mr. Park: Do you always go with an engine without the caboose—is that always the case?

Mr. Smith: I never remember of late years of pulling a caboose alone. To give you an instance, they will put a caboose on the way freight leaving Stockton at 3 o'clock this afternoon, and they will put a train crew on there, dead-heading. They will run those to Galena Junction or East Dubuque, whichever it may be, and they will run the light Mallet out behind them and let her follow. The train crew will be on the rear end of this way freight. When they get to East Cabin, they will cut the caboose off, and the Mallet will pick it up there and pick up a train of coal and go on to Oelwein, and vice versa, the other way.

Mr. Park: I think that is all.

Mr. Burgess: Mr. Smith, why do they not attach a caboose on the locomotive, when they run her light, for the purpose of equalizing the power?

Mr. Smith: Well, they pay the train crew the same wages as they would if they put them, with a caboose, on the Mallet. In regard to the Sixteen Hour Law, the crew is considered not on duty until they get to East Cabin, and until such time as I, with the engine, get there, and they take charge of me.

Mr. Burgess: Now, Mr. Smith, won't you explain the meaning of the expression, "Tied up under the law"?

Mr. Smith: Tied up under the law—on our road, if we are called to leave at 7:30, at Oelwein, our time starts at 7 o'clock, under the law, to get the engine ready, and we receive no pay until 7:30. Then, in fifteen hours and fifty-five minutes from 7 o'clock, we have received a message, in the meantime, to be tied up, no matter where we are, at that place. If it is on the main line, all right; stop work immediately, get off your engine, leave one man to watch her, and you are tied up. They always send a message that they will protect this train. Then, they send a crew out on a gasoline car or a switch engine, or they send the roundhouse foreman out, but you are relieved from all duty in fifteen hours and fifty-five minutes from seven o'clock.

Mr. Burgess: Do they always bring you into the terminal, deadhead?

Mr. Smith: Well, they do not always bring us into the terminal, but I have not been tied up out where I have stayed,

for possibly a year. I have been brought in in the last year, every time.

Mr. Burgess: Well, if you were permitted to remain with your engine and train, when would you resume duty?

Mr. Smith: At the expiration of—we would be tied up at 11 o'clock, say—when we were off duty eight hours, we would be supposed to resume duty.

Mr. Burgess: Would you receive any pay during that eight hour period?

Mr. Smith: Not any.

Mr. Burgess: Are the engineers entirely satisfied with that condition, to be tied up for eight hours without compensation?

Mr. Smith: Not at all. On our former schedule, before the Chicago agreement, we could tie ourselves up after sixteen hours. If we were at Woodbine, twenty miles from Stockton, we could tie up and when we started from Woodbine and went in, we would get one hundred miles or one day's work. Now we get twenty miles. They took that away from us.

Mr. Burgess: Since the making of the Chicago agreement, relative to the Sixteen Hour Law, there has been a general complaint because they did not receive pay while being tied up on the road?

Mr. Smith: Very great, very much dissatisfied.

Mr. Burgess: Now, Mr. Smith, who was the spokesman for the four organizations at the time that agreement was made?

Mr. Smith: On the Great Western?

Mr. Burgess: No, when the general agreement was made in Chicago.

Mr. Smith: Why, I suppose Mr. Stone was the spokesman.

Mr. Burgess: May I ask Mr. Stone a question, Mr. Chairman?

The Chairman: Yes, certainly.

Mr. Burgess: Mr. Stone, on page 990 of the proceedings dated December 11th, you asked the witness the question: "You don't know who was spokesman for the four organizations at the time the settlement was made, do you?" And his answer was, "I don't recall it now." There seems to be an impression that you were the spokesman. Have you any objection to stating who was the spokesman?

Mr. Stone: Not at all. Mr. Chairman, I have been guilty of a good many things, and I am willing to take my share of the Sixteen Hour Law settlement. I believe I made the opening address at that meeting. I think it is also true and will be agreed to by the others, that Mr. Morrissey was the spokesman for the four organizations at that meeting.

Mr. Burgess: Mr. P. H. Morrissey?

Mr. Stone: Mr. P. H. Morrissey, at that time the President of the Railway Trainmen.

Mr. Burgess: Who is now assistant to the Vice-President of the C., B. & Q. Railway?

Mr. Stone: Yes, sir. It was made at a conference by the four organizations, represented by Mr. Hanrahan of the Brotherhood of Locomotive Engineers, Mr. P. H. Morrissey of the Trainmen, Mr. A. B. Garretson of the Order of Railway Conductors, and myself, and I think the records will bear out the statement that Mr. Morrissey was practically the spokesman for the men at that time. It is an open secret to all, that the settlement of the Sixteen Hour Law was not at all satisfactory to any of us, but that was the best we could get at that time. Since that time it has been improved on in other parts of the country. It has not been improved on in this part of the country.

Mr. Burgess: Mr. Smith, is it a fact, that you are relieved from duty on account of the Hours of Service Law, on the main track?

Mr. Smith: Yes, sir.

Mr. Burgess: You leave your engine and train on the main track?

Mr. Smith: We leave our engine and train on the main track and the fireman watches it.

Mr. Burgess: Until they can get relief from the terminal?

Mr. Smith: Until they can get relief.

Mr. Burgess: That is all.

Mr. Park: How can the fireman watch the engine, without violating the law?

Mr. Smith: He can not.

Mr. Park: So he violates the law?

Mr. Smith: He violates the law.

Mr. Park: Have you, personally, been tied up on the main track?

Mr. Smith: I have.

Mr. Park: How long since?

Mr. Smith: 4/26/14, extra 601, East, engine crew relieved at Woodbine account Sixteen Hour Law. Yardmaster Collins acted as conductor and brakeman to East Stockton. Engineer and fireman relieved.

Mr. Park: Was that on the main line, between stations?

Mr. Smith: That was between stations. This engineer, as I recall it now, got on at North Hanover, with an order to relieve me when my sixteen hours were up. I ran the engine for fifteen hours and fifty-five minutes, and then he took her.

Mr. Park: Your train was not tied up on the main track?

Mr. Smith: That was once.

Mr. Park: Did you answer that question? (Addressing the reporter.) Please read the question.

(Question repeated by the reporter.)

Mr. Smith: The train at that time was not tied up. We were relieved on the main track.

Mr. Park: The train went right along?

Mr. Smith: The train went right along that time. Third 60, 9/21/14, extra sixties were on the main line at Stockton. This was about a quarter of a mile west of Stockton at 11 A. M., and under the Sixteen Hour Law we were relieved by a switch engine crew after about—we laid there about fifteen minutes before they got there after the sixteen hours was up.

Mr. Park: You had almost reached the end of your terminal when the time elapsed?

Mr. Smith: We were two miles, about two miles and a quarter from our terminal.

Mr. Park: But you came within a quarter of a mile, you say?

Mr. Smith: We were two miles and a quarter from our terminal when our sixteen hours were up, and laid there fifteen minutes waiting for the switch engine crew to come.

Mr. Park: What did you do under those circumstances, did you get off your engine and leave it?

Mr. Smith: The fireman watched it; I got off and went over to town.

Mr. Park: You left the engine?

Mr. Smith: I left the engine.

Mr. Park: Do you know whether the rear of the train was protected?

Mr. Smith: They had an order that the train despatcher would protect us.

Mr. Park: Isn't it a fact that, under certain circumstances and conditions, such as accidents, wash-outs, engine failures and hot-boxes, the law is frequently violated, in that trains are on the road more than sixteen hours?

Mr. Smith: There are not frequent violations on the Great Western, that I know of.

Mr. Park: The law would permit you, in case of emergency, to go overtime?

Mr. Smith: Anything that is a case of emergency referred to in the law, or the act of God, where we are tied up waiting for a fireman, or something like that, they will give us a message to tie up for three hours and apply this to the sixteen hour law.

Mr. Park: As a matter of fact, it is a rule of the Chicago Great Western, is it not, to avoid criminal liability under this law and the payment of heavy fines?

Mr. Smith: Yes.

Mr. Park: Imposed upon them by the government?

Mr. Smith: Yes, sir.

Mr. Park: And, they say to the engineers and conductors: "Rather than subject us to this fine, we want you to put your train on a side track, or some place where it will be safe, and go off duty when the law says you shall"?

Mr. Smith: They do not say always to put it on the side track. We have no side tracks after we leave Elizabeth. After we leave Elizabeth, going east, we have no side tracks, and with a Mallet engine, the time from Elizabeth to Stockton that will be consumed with a Mallet engine is one hour and fifteen minutes. That is very conservative.

Mr. Park: You say it is eleven miles from Elizabeth to Stockton?

Mr. Smith: Yes, it is all of eleven.

Mr. Park: Do you have a telegraph office at Elizabeth?

Mr. Smith: In the daytime; at night it is not exactly an

open office, although they have a messenger that stays there nights, but he does not act as an operator. We have telephones at all stations and at most ends of side tracks on the Great Western, and we can communicate with the despatcher at most any place you are.

Mr. Park: If you had called up the despatcher at Elizabeth and said you would not be able to reach Stockton within the time allowed under the law, would the despatcher have tied you up there, or would he have required you to go probably—

Mr. Smith: That would depend on how bad they wanted me, or how bad they needed power. If they needed me to go back that night, he would give me a message to proceed, but, not exceed the sixteen hours under any consideration, tie up wherever you are and I will protect you.

Mr. Park: So you interpret that blanket rule of the Chicago Great Western, when you have been on the main line for sixteen hours, as giving you authority to automatically leave your engine on the main track without any special protection?

Mr. Smith: We do not need protection. This is a double track.

Mr. Park: They frequently run trains on a double track in the opposite direction?

Mr. Smith: Well, when we get an order that they will protect us, the train will be protected.

Mr. Park: Under the telegraph system of operating trains, they may be expected at all times, and they require—

Mr. Smith: They have to give us that thirty-one order before they can run them over the double track on the Great Western. You cannot run a train in the opposite direction against current traffic unless you have all the men protected on both tracks, between all places, unless they run under protection and under flag.

Mr. Park: Then, I understand you, that you interpret this order as giving you authority to leave your engine between stations, and to leave it on the main line. We will say now, that the circumstances were such as you have described here, that you have a light engine. You may have cut off from your train, going into the terminal, after fifteen hours and thirty minutes. If a hot-box should occur or something should happen to that engine, which would delay you so you could not get into the

terminal, under that order, you would have a right to leave your engine on the main track without protection?

Mr. Smith: Under that order, I would have the right, but I am fully covered with a manifold order, just the same as I am with any other meeting point; but, unless the engine was broken down, or something of that kind, I don't think I would. I have done that, not for the sixteen hours, but on account of an engine breaking down or on account of the switches being opened, where they have to use a side track for the main line, and that has been done for broken down cars.

Mr. Park: They opened the switches and used the side track as the main line temporarily, you mean?

Mr. Smith: Yes.

Mr. Park: That is all.

Mr. Stone: Coming back to that sixteen hour lay, Mr. Smith, you say it is not violated at the present time on the Chicago Great Western?

Mr. Smith: No, I don't say that.

Mr. Stone: Well, you say it is not violated by the men on duty?

Mr. Smith: I say I don't think it is violated. I haven't heard of any cases of its being violated.

Mr. Stone: In your judgment, do you think it is necessary to violate it on any road?

Mr. Smith: Not at all. Absolutely no.

Mr. Stone: Is it not a fact that, if these engines were loaded so they could handle their tonnage, that the men could get over a division of the length of this one, 116 miles, within the limit of the law?

Mr. Smith: With a Mallet engine, with 2,000 tons, we can go from Oelwein to Stockton in seven and a half hours.

With the Mallet engine, with 2,700 tons out of Oelwein, as the rating is now, to Dyersville, and a helper up that hill, and 2,700 tons to Galena Junction, and 2,400 tons from there to Stockton, I don't believe I could get in under the sixteen hour law.

Mr. Stone: When men are held out on the road, on that account, don't you think it is only fair and equitable that they should be paid for overtime?

Mr. Smith: I should think so. We think so.

Mr. Stone: Coming back to that Mallet engine, is it not a

fact that Mallet engine is noted for the higher pressure engine wearing out much faster than the low pressure engine, and flattening her tires?

Mr. Smith: It seems to be. That is what we lay it to, that she has a slip in the second engine, and they flatten their tires, and we get the benefit of it.

Mr. Stone: The fact remains that every Mallet engine that has been in service six or seven months flattens her tires on a high pressure engine much faster than she does on a low pressure engine?

Mr. Smith: I should think so, after she had been in service four months.

Mr. Stone: And, as soon as the tires become flat, you get the hammer blow and get the jolt?

Mr. Smith: Yes, and there is also a pin between the two engines that comes out of round, where one engine fits into the other, and when that becomes out of round and there is lost play in there, the two engines go together like this, for instance (indicating), sometimes one engine seems to stand still and the other come into it like this, and you get the benefit of it.

Mr. Stone: Then, if I understand you correctly, the Mallet engine is two engines in one?

Mr. Smith: The Mallet engine is two engines in one, that is, they have the one boiler and two engines?

Mr. Stone: That is all.

Mr. Sheean: Mr. Smith, you have in fact operated a Mallet engine for over a year between these points you have mentioned, Oelwein and—

Mr. Smith: Oelwein and Stockton, yes, sir.

Mr. Sheean: Have you, at any time within the last year, from January, 1914, down to November, 1914, at any time, taken sixteen hours to get over that division with a Mallet engine?

Mr. Smith: Third number 60, 9/21/14, extra 600 east.

Mr. Sheean: Was that a Mallet engine?

Mr. Smith: Yes, sir.

Mr. Sheean: What was the tonnage rating of that engine?

Mr. Smith: I haven't got it down, but I think at the time we tied up it was about 1,900. It had been reduced at East Dubuque, and Galena Junction, and Dubuque.

Mr. Sheean: Where did you tie up?

Mr. Smith: We tied up on the main line.

Mr. Sheean: Where?

Mr. Smith: At Stockton.

Mr. Sheean: At Stockton?

Mr. Smith: At Stockton.

Mr. Sheean: Well, that is—

Mr. Smith: Well, East Stockton, that is two and a quarter miles from the terminal.

Mr. Sheean: Can you give us just where the delays were on that trip? You say the tonnage from Dubuque, practically half of the division, was down to 1,900?

Mr. Smith: I may have that. Excuse me just a minute. I think I have it.

Yes, here is the data. Third No. 60, 600, 9/20/14. Called at Oelwein for 7:30. We left the roundhouse at 7:08. Train 7:33. We left the yards at 8 P. M. The passenger depot at 8:05 till 8:20. We had 28, and 56, 2,215. We arrived at Lamont at 9:25. We left there at—

Mr. Sheean: What do you mean by 28 and 56?

Mr. Smith: 28 loads and 56 empties.

Mr. Sheean: What is the tonnage on that train, about?

Mr. Smith: 2,215 tons.

Mr. Sheean: 2,215 tons?

Mr. Smith: Yes.

Mr. Sheean: And the tonnage rating was 2,700 tons?

Mr. Smith: Not at that time. The tonnage rating, about that time—

Mr. Sheean: Well, it was the same Mallet engine?

Mr. Smith: Yes, it was the same Mallet engine.

Mr. Sheean: And the track equipment and everything was the same at that time?

Mr. Smith: Yes, the same at that time.

Mr. Sheean: That was all I wanted to get, Mr. Smith. You did not start out with the 2,700 tons tonnage. Any delay that there was on that trip was not due to an overload on that engine? That is, I mean to having above the tonnage rating?

Mr. Smith: Well, if we didn't have so many cars we would not have consumed so much time setting out the fiftieth car, with a hot box at Lemont.

Mr. Sheean: Let's see, it was setting out a hot box that

made the sixteen hours; at least you had a hot box at Lemont?

Mr. Smith: That is part of that. We were, for instance, from 9:25 to 10:15 setting out the fiftieth car at Lemont for a hot box. That put me back so far from No. 1 that I couldn't make the double track on the I. C. for 6 and 2. I got caught with all those passenger trains putting out that fiftieth car. It put me back at least three hours.

Mr. Sheean: Three hours?

Mr. Smith: Yes, in the length of my run.

Mr. Sheean: At Lemont, how long were you there?

Mr. Smith: I was there fifty minutes.

Mr. Sheean: Fifty minutes at Lemont?

Mr. Smith: Yes.

Mr. Sheean: Just give us the time on that?

Mr. Smith: 9:25 to 10:15.

Mr. Sheean: Then where was the next delay?

Mr. Smith: Thorpe, 10:55.

Mr. Sheean: 10:55 to what?

Mr. Smith: Until 11:19.

Mr. Sheean: 10:55 to 11:19?

Mr. Smith: Yes.

Mr. Sheean: What were you doing there?

Mr. Smith: I was meeting extra 928 and 336, coupled.

Mr. Sheean: You were on a siding there, were you?

Mr. Smith: I think not. Laying on the main line waiting for them.

Mr. Sheean: Waiting for them?

Mr. Smith: Yes.

Mr. Sheean: Where was the next delay?

Mr. Smith: Oneida, 11:45 to 11:57. It must have been for orders. There isn't anything down there.

At Almora, at 12:10, and I met No. 1 there at 12:50.

Mr. Sheean: Then you waited there?

Mr. Smith: Now, this setting out that hot box put me back so I couldn't make Dyersville for No. 1; it absolutely made me get into sixteen hours, there was no doubt about that. It put me back to 12:50 at Almora, and No. 1 was due there at 12:44, I should say, just as a rough guess.

Mr. Sheean: Mr. Smith, you didn't start out then with the tonnage rating of your train at the one end of your division, and

you did not come into it with the full tonnage rating at the other end, and you did not, anywhere on the division, carry the tonnage rating of your train, so that that particular delay was not brought about by an overload of that engine?

Mr. Smith: On our road, they figure that 75 to 85 cars, with 2,200 to 2,500 tons, is really heavier and more of a rating than 2,700 tons in fifty cars. That is how that is figured.

Now, we had out here, 74 cars. We had 74 cars which they considered, along in those figures, enough at that time to put on this engine.

Mr. Sheean: Then you started out with 28 loads and 56 empties and a tonnage rating of 2,200 tons. How far did you take that tonnage rating?

Mr. Smith: We took that to Lemont, where we set out that one box. I don't know what that called for, but we didn't have any short cars that I remember of now, until such time as we got to East Dubuque and East Cabin.

Mr. Sheean: What did you set out at East Dubuque?

Mr. Smith: We couldn't have set out very much; 7:12 to 8:02 we were there. And at that time there was a passenger, and there is yet, I guess, a passenger that goes down between 7:12 and 8:02, that we were probably held behind. We probably set out fifteen or twenty empties. That is what we set out at East Dubuque, empties.

Mr. Sheean: Then, the tonnage rating on the Great Western, where it is up to 2700 tons, is within a limit of fifty cars?

Mr. Smith: No, the tonnage limit isn't just on that, but fifty cars of grain will bring it up to about that. Our rating is 85 cars or that tonnage.

Mr. Sheean: 85 cars or that tonnage?

Mr. Smith: Yes, they say not to exceed 85 cars, although we do exceed 85 cars.

Mr. Sheean: Take some other case of sixteen hours on the Mallet and see if you can find any one in which the tonnage rating caused you to be on the road sixteen hours?

Mr. Smith: I cannot pick out a case of my own, I don't think that I have down here, I don't give much attention to that; but I have a case of another crew, and while it is all hearsay, except the tonnage, and the tie-up, and the engine, and the date,

and the number of the train, it possibly left the same time I did. It was 11/10/14.

Mr. Sheean: Let me see, first, whether you have any case that you can give in the last year yourself?

Mr. Smith: No, I couldn't.

Mr. Sheean: It is a fact, is it not, Mr. Smith, that you made ninety trips with a Mallet engine during the last year, between these two points?

Mr. Smith: I wouldn't say ninety. I would say possibly seventy-five.

Mr. Sheean: In any one of those seventy-five cases, can you give any instances in which you were up as high as sixteen hours on a Mallet engine?

Mr. Smith: Well, I would have to go into my books and look them over, clear through.

Mr. Sheean: How many times have you been on the road there during the last year and taken as many as sixteen hours?

Mr. Smith: Well, I would have to look it up in the book, because I haven't got the specified number of times down.

Here is No. 75 I will give you, just some specifications of a Mallet. Here is No. 75, 8/6/14, 608. Left Stockton at 7:40 P. M.; that puts me out of there at 7 o'clock. I arrived at Oelwein at 5:20 A. M. Ten hours.

Mr. Sheean: Ten hours?

Mr. Smith: Yes.

Mr. Sheean: What was the tonnage rate on that train?

Mr. Smith: 2400 tons.

Mr. Sheean: What did you carry?

Mr. Smith: 53 loads, 2300 tons out of Stockton to Galena Junction, and 2400 from there, and possibly 2800. We load to 2800 and 3000 from Galena Junction to Fair Grounds, and reduce there to 2400.

Mr. Sheean: On that Mallet engine, up to its tonnage rating, you got through in ten hours?

Mr. Smith: On 75.

Mr. Sheean: Now, let us take a Mallet engine loaded up to its tonnage rating again on that division; the next time you had a Mallet.

Mr. Smith: The next is 603, 8/12/14. 8:45 P. M. We had

41 loads and 24 empties. 2425 tons. We arrived at East Stockton at 8:10 A. M.

Mr. Sheean: That is 11 hours and 30 minutes?

Mr. Smith: That is 8:45 P. M. until 8:10 A. M. That would make it 8:15 to 8:10.

Mr. Sheean: A trifle under twelve hours?

Mr. Smith: Five minutes.

Mr. Park: Mr. Sheean, I didn't catch the date of the trip just previous to this.

Mr. Smith: 8/6/14. Number 75.

Mr. Park: What year?

Mr. Smith: 8/6/14.

Mr. Sheean: That is this year, August 6, 1914?

Mr. Smith: Yes, August 6, 1914.

Mr. Sheean: And this last one was August 12?

Mr. Smith: August 12.

Mr. Sheean: Those were in opposite directions, were they not?

Mr. Smith: Yes, those were in opposite directions.

Mr. Sheean: Now, the next time you had a Mallet?

Mr. Smith: First 74, 602, August 21st, 1914. Left Oelwein at 11:30 A. M. 49 loads and 8 empties. 2500 tons. We tied up at East Stockton at 1:50 A. M.

Mr. Sheean: What is the total time there?

Mr. Smith: From 11:30. Well, I was called at 11, from 11 o'clock, to 1:50, 14 hours and 50 minutes.

Mr. Sheean: 14 hours and 50 minutes from the time that you were called?

Mr. Smith: From the time we reported for duty.

Mr. Sheean: From the time you reported for duty?

Mr. Smith: The time we went to work.

Mr. Sheean: What was the next trip on a Mallet in that month?

Mr. Smith: Engine 600. September 2nd, 1914.

Mr. Sheean: Have you given us all of the Mallet trips that you made in the month of August?

Mr. Smith: Now, if I have skipped any I have done it unintentionally. No, I haven't, because we started on the 8/6.

Mr. Sheean: I don't care particularly about the month.

Just take the next one you happen to strike there. September 2nd I think you said.

Mr. Smith: Some of the headings are a little bit blurred. However, I think that is September 2nd, 1914.

Mr. Sheean: September 2nd, 1914?

Mr. Smith: Yes.

Mr. Sheean: Now, give us the details.

Mr. Smith: Extra 600, 6:45 P. M., 37 loads and 44 empties. 2,500 tons. We tied at East Stockton at 10:14 A. M.

Mr. Sheean: Those are practically all of the full tonnage ratings there?

Mr. Smith: With 2,500 and 2,400 tons?

Mr. Sheean: Yes.

Mr. Smith: Yes.

Mr. Sheean: Are there any of these trips made with a Mallet engine, or any other trip during the last year, in which the tonnage rating was the cause of your being on the road as long as sixteen hours?

Mr. Smith: Well, mostly all of it is because of the rating for the simple reason that with 2,000 tons I can come to Almora, when if I have 25 minutes to meet any passenger train, I can go to Dyersville. As an illustration, with 2,000 tons, with 2,300, 2,500 or 2,700 tons, I daren't try that in less than 35 minutes, and if I cannot get to Dyersville for No. 3 or No. 1, or some of those trains, it will put me back for 63, and put me back further if I want to use more time from Dyersville to Farley.

Mr. Sheean: Mr. Smith, have you ever made any computations as to the actual time you were on the road on Mallet engines, over a period of months or years?

Mr. Smith: No, I have not.

Mr. Sheean: You are not able to state whether or not it is or is not a fact that, on all the trips that you have made through last year on a Mallet engine, the average time on the road between these terminals is less than eleven hours?

Mr. Smith: I am not able to state it now, but I am able to get proof and can state it at any time in the future.

Mr. Sheean: But, you have made no actual computation as to whether your time with Mallet engines was above or below eleven hours?

Mr. Smith: I have not made any computation as to that

for any series of trips with a drag, and as the computation of all time between stations in November, 1886—

Mr. Sheean: November, 1886?

Mr. Smith: November, 1914, in the $186.16 month, my average per trip, including the 15 minutes extra for getting the engine ready, reporting at 15 minutes—forty-five minutes, fifteen minutes more than the company requires, was ten hours and eighteen minutes, per trip, including all classes of engines, deadheading on passengers, and light engines and trains.

Mr. Sheean: That is, if I follow you correctly, Mr. Smith, that time counting for fifteen minutes more than the rule of the company requires you to report—

Mr. Smith: Yes.

Mr. Sheean: And computing actual time beyond the time you are released at the end—

Mr. Smith: No, time I was released.

Mr. Sheean: Actually released?

Mr. Smith: Actually released.

Mr. Sheean: The average per trip for that month was how much?

Mr. Smith: Including light engines and including deadheading on passenger trains, was ten hours and eighteen minutes per trip.

Mr. Sheean: How much per trip, on which the average time was ten hours and eighteen minutes, was payment made by the company? If you will give me the total number of trips, how many trips?

Mr. Smith: Twenty-five trips.

Mr. Sheean: And a total payment of how much?

Mr. Smith: $186.16.

Mr. Sheean: And each of those twenty-five trips, if the time was counted fifteen minutes earlier than the time the rule of the company requires you to report for duty, covers all of your time down to the time of final release; it would be ten hours and eighteen minutes per trip?

Mr. Smith: Per trip.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Just one more question, Mr. Smith. On that light train, you say there, where you had twenty-six—I think

you stated twenty-eight loads and fifty-six empties, is that correct, in that first trip, where you set out a hot box, fifty cars back?

Mr. Smith: Have you the date?

Mr. Stone: The first one of your trips, where you were delayed and missed making meeting points, on account of setting out a hot box fifty cars back?

Mr. Smith: That was the first tie-up, 9/21, I believe, twenty-eight loads and fifty-six empties, 2,215 tons.

Mr. Stone: You said seventy-four cars. If I figure correctly, it is eighty-four cars.

Mr. Smith: It is eighty-four cars.

Mr. Stone: Allowing an average of forty feet to the car, that would be a little short train of about 3,360 feet, a little over half a mile long?

Mr. Smith: We figure on forty-four feet to the car.

Mr. Stone: Allowing forty-four feet to the car it would be about two-thirds of a mile long, and the train set out a car with a hot box almost half a mile back. Is it not a fact that hot boxes are due to either one of two causes, either overloading or improper care?

Mr. Smith: Yes, sir.

Mr. Stone: And the burden falls on the engineer in the end, because it makes him longer on the road?

Mr. Smith: Makes him longer on the road, and we are held responsible if a box gets hot, and we do not notice it, we are called to account for it, although I recall no cases of discipline, we have had some pretty severe talks.

Mr. Stone: You are supposed to notice a hot box in a train, even though it might be thirty or forty cars back?

Mr. Smith: We are expected to.

Mr. Stone: And if you did not you would be called in to explain why?

Mr. Smith: Yes.

Mr. Stone: That is all.

Mr. Park: Mr. Smith, if you did not, by diligence, discover a hot box, what would be the consequence?

Mr. Smith: If we did not discover a hot box?

Mr. Park: Yes, that is, to the train.

Mr. Smith: If we did not, the consequence would be that it would twist off.

Mr. Park: That would cause an accident?

Mr. Smith: Yes, cause an accident.

Mr. Park: You say, in answer to Mr. Stone's question, that the usual cause of hot boxes is on account of the car being overloaded. Are you not required to load a car, commonly, up to its capacity, on the Chicago Great Western?

Mr. Smith: I could not say as to that, but on train 71 we used to stall with 1,700 tons, I should say, seven trips possibly, out of ten, with that one particular train, where we did not stall with others. It got so noticeable, in fact, that everybody spoke about it; that when a train did stall on Rodden Hill going west, it was 71, so we inferred from that that there must have been cars that were overloaded.

Mr. Park: That was just an inference, you have no personal knowledge that cars on the Great Western are overloaded?

Mr. Smith: No, I have no personal knowledge.

Mr. Park: Isn't it frequently the case that somebody will take the waste out of the boxes, a tramp, to make a camp fire, or something of that kind, and cause a hot box?

Mr. Smith: Well, I don't know of any cases. We do very little picking up there between Oelwein and Stockton. Our stuff is mostly through stuff.

Mr. Park: The fact that you had to set this car out indicates that it was a pretty serious case of hot box?

Mr. Smith: Yes, sir, with that speed, with that engine.

Mr. Park: Do you know whether the journal was cut or not?

Mr. Smith: I don't know whether the journal was cut or not in this case.

Mr. Park: There must have been something radically wrong, to necessitate setting the car out at that low speed?

Mr. Smith: Yes, sir.

Mr. Park: And, as a matter of fact, that caused a tie-up, you say, in that you were not able to make your meeting points, by reason of the disarrangement of your schedule, and the consequential delays were incident to the hot box?

Mr. Smith: Yes, sir.

Mr. Park: Do you know whether the law excuses a railroad for accidents or causes beyond their foresight?

Mr. Smith: Well, I don't think so, in those cases, in cases of hot box, because that generally comes from imperfect inspection at terminals, and imperfect oiling.

Mr. Park: How would you account for the fact that seventy five or eighty cars in that train were running perfectly, with four times as many journals, all having been inspected, and this one particular journal developed a very serious case of hot box?

Mr. Smith: We will say that the man looked at that box and he figured that it would go, the brass was all right; and the fact of the matter was the brass was a thin brass and would not go at all. I don't think that anybody was at fault in that case but the man that inspected it.

Mr. Park: You think that it was negligence on the part of the inspector?

Mr. Smith: In this case, I think it was let go too long, trying to get the last ounce of wear out of that brass. It was let go too long, and that brass was worn down thin.

Mr. Park: It is economy to get all the wear out of a brass that you can?

Mr. Smith: Yes, sir.

Mr. Park: They cost some four or five dollars apiece?

Mr. Smith: But your first question—

Mr. Park: My question was, I wanted to develop if there was neglect on the part of the inspector that caused this trouble.

Mr. Smith: I thought it was something about the Sixteen Hour Law, if that was the cause, or something like that.

Mr. Park: I don't think you would know as to the interpretation of the law.

Mr. Smith: I thought that was it.

Mr. Park: That is all.

Mr. Stone: That is all.

(Witness excused.)

The Chairman: Call your next witness.

W. R. BOYD was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is engineer W. R. Boyd of the St. Louis & San Francisco Railroad, running between Springfield, Missouri, and Newburg, on a division 119 miles in length.

Mr. Boyd, you are at the present time in the employ of the Frisco Railway?

Mr. Boyd: Yes, sir.

Mr. Stone: How long have you been in the service?

Mr. Boyd: I have been running an engine thirteen years. I have been in the service of the company for twenty-two years.

Mr. Stone: As a fireman, prior to that time?

Mr. Boyd: Yes, sir; six years.

Mr. Stone: What class of service are you in at the present time?

Mr. Boyd: Freight service.

Mr. Stone: What class of engine are you running?

Mr. Boyd: I am running a Consolidated Engine, superheater, weighing 211,000 pounds on the drivers.

Mr. Stone: Has there been any increase in your tonnage since 1911?

Mr. Boyd: Yes, sir; there has been an increase of 150 tons to the train in the last year, on this particular engine.

Mr. Stone: How much increase in the train tonnage since 1910, do you recall?

Mr. Boyd: About 350 tons to the train in the last three years.

Mr. Stone: I mean of your engine.

Mr. Boyd: A different engine in 1911. We had a smaller engine.

Mr. Stone: Have your hours of service been increased on account of your handling the heavier tonnage?

Mr. Boyd: Yes, sir.

Mr. Stone: Explain in what way?

Mr. Boyd: A few years ago when we had smaller engines, we handled lighter trains and it was seldom that we were ever tied up over a division. Since we have had larger engines, handling heavier tonnage, we are frequently tied up under the Sixteen Hour Law.

Mr. Stone: Your tonnage is so heavy at the present time that you are required to double hills frequently, are you not?

Mr. Boyd: Yes, we are required to double one hill, sometimes two, over the last sixty-three miles of the division.

Mr. Stone: This is a regular occurrence?

Mr. Boyd: Everyday occurrence. They will give you a message to handle 220 tons above the engine time card rating, and double Hancock Hill.

Mr. Stone: What time are you required to report for duty?

Mr. Boyd: We are required to report for duty about fifty minutes before the time called for to leave.

Mr. Stone: What time are you required to have your engine on the train?

Mr. Boyd: We are required to be on the train in time to pump up the air, test the air brakes, and to leave promptly at the hour called for.

Mr. Stone: For all this work of preparing your engine for the trip, and taking your engine from the preparing track to the yard, do you receive any compensation for this time?

Mr. Boyd: No, sir.

Mr. Stone You do not?

Mr. Boyd: No, sir.

Mr. Stone: Your time begins at the time called to leave?

Mr. Boyd: Yes, sir.

Mr. Stone: Is your time consumed in preparing your engine for the trip counted as a part of your time on duty under the Federal Sixteen Hour Law?

Mr. Boyd: Thirty minutes of it is.

Mr. Stone: So, the time you are donating each trip in preparatory time is used to count your sixteen hours under the Federal Law?

Mr. Boyd: Yes, sir.

Mr. Stone: Then, that means that you give the company this thirty minutes time for nothing, and assume responsibility during that time?

Mr. Boyd: Yes, sir.

Mr. Stone: It is possible for you to get in trouble between the engine house track and the yard, is it not?

Mr. Boyd: Yes, sir. I am held responsible if I should run through a switch or do any damage while going from the round-

house track to the train. We have to cross over, back and forth, three cross-over switches, to get to the train, and I will be held responsible for any damage that is done during that time.

Mr. Stone: And yet, during that time, when you are liable to discipline on account of being held responsible, you are not receiving any pay?

Mr. Boyd: No, sir.

Mr. Stone: In preparing your engine for service, do you fill your own grease cups?

Mr. Boyd: No, sir, the grease cups are filled by the roundhouse people.

Mr. Stone: After your arrival at the terminal, how long is it before you are released from duty?

Mr. Boyd: We are released from duty when we arrive at the roundhouse track where we leave our engine.

Mr. Stone: That is your time stops there?

Mr. Boyd: Our time stops there.

Mr. Stone: You are required to make an inspection of your engine, report work, make out your necessary reports and register in?

Mr. Boyd: Yes, sir.

Mr. Stone: On your own time?

Mr. Boyd: Yes, sir, and it will require fifteen to twenty-five minutes to do all this and that we do on our own time.

Mr. Stone: Have you noticed any difference in the increased cost of living in your part of the country, since 1910?

Mr. Boyd: Yes, sir. I haven't noticed it so much at my home terminal, but I have at the opposite terminal.

Mr. Stone: In what way has it increased?

Mr. Boyd: Well, meals that we used to get for 25 cents are now 35 cents, at the same hotel; and room rent, where we used to get a room for $3.00, at the present time I am paying $4.00 for the same room I have had for about ten years.

Mr. Stone: Both of these increases have been made since 1910?

Mr. Boyd: Yes, sir: In about the last two and a half years, I believe.

The Chairman: Mr. Stone, will you suspend? We will take a recess until 2:30 o'clock.

(Whereupon at 12:30 o'clock P. M. a recess was taken until 2:30 o'clock P. M.)

After Recess.

The Chairman: Proceed with the witness, Mr. Stone.

W. R. BOYD was recalled for further examination, and having been previously sworn, testified as follows:

Mr. Stone: Mr. Boyd, when we adjourned at noon, you had just spoken about "doubling hills." I wish you would explain to the Board what you mean by doubling hills?

Mr. Boyd: Well, they compel us to handle a train that the engine is not able to handle. Therefore, it is necessary to double.

Mr. Stone: What do you mean, when you say double? Do you pull them up on the hill as far as you can, and then cut off half your train and go to the next siding, and then come back and get the other half and bring it up?

Mr. Boyd: Yes, sir, we generally, to make it as short as possible, run up on the side of the hill until we begin to slow down. Then we stop right there and go on to the top of the hill to a siding, with the front end of the train, and then turn around and come back and get the rear end of the train and haul it up. That is what we mean by doubling.

Mr. Stone: About how long does it take to make this double?

Mr. Boyd: Well, 45 to 55 minutes when everything works all right.

Mr. Stone: Yet the fact that you have to make this double often causes a delay of an hour or two, further down the line, does it not?

Mr. Boyd: It certainly does, especially at certain times of the day or night, about the time the passenger trains are due along over that part of the track. It will probably knock us out from going to one or two stations further on down that we would have made if we had not had to double.

Mr. Stone: I think that is all, Mr. Boyd.

The Chairman: Mr. Sheean, the witness is with you.

CROSS EXAMINATION.

Mr. Sheean: Mr. Boyd, how long is this Hancock Hill that you say you frequently have to double?

Mr. Boyd: From the foot of the hill to the top, I should say it is about three miles.

Mr. Sheean: And, under the Frisco schedule, you are allowed ten miles in addition for every doubling on that hill, are you not?

Mr. Boyd: Yes, sir.

Mr. Sheean: So that on this division of 119 miles you are paid for 129 miles, in case you do have to double the Hancock hill?

Mr. Boyd: Yes, sir.

Mr. Sheean: Have you kept any record as to the length of time that your trips between Springfield and Newburg average?

Mr. Boyd: For the month of October I made 23 days, and the average trip was 10 hours and 45 minutes.

Mr. Sheean: That is road time?

Mr. Boyd: Yes, sir.

Mr. Sheean: 10 hours and 45 minutes?

Mr. Boyd: Yes, sir, over the division.

Mr. Sheean: What is that?

Mr. Boyd: 10 hours and 45 minutes over the division.

Mr. Sheean: That is the month of October, 1914?

Mr. Boyd: Yes, sir.

Mr. Sheean: What was your pay for that month?

Mr. Boyd: I believe I drew $147.66.

Mr. Sheean: $147 and what?

Mr. Boyd: $147.66.

Mr. Sheean: For 23 trips?

Mr. Boyd: Yes, for 23 trips.

Mr. Sheean: Is the month of October, 1914, fairly representative of the length of time which it takes, in through freight service, between those two points?

Mr. Boyd: Well, I couldn't say that it is.

Mr. Sheean: Is the average length of time on those trips above or below this 10 hours and 45 minutes that you say it averaged in October, 1914?

Mr. Boyd: Well, for my particular trips I think it would about average—well, I might have had good trips while others might have been longer each trip.

Mr. Sheean: Well, in that pool or chain gang service,

between Newburg and Springfield, you have not worked an entire year there exclusively, in that pool or chain gang service, have you, during the last year or two?

Mr. Boyd: I didn't understand your question.

Mr. Sheean: You haven't worked exclusively in that pool or chain gang service between Springfield and Newburg, during the last year or two, through the entire year?

Mr. Boyd: Yes, sir, I have.

Mr. Sheean: Without making any passenger runs, or runs outside of the pool or chain gang?

Mr. Boyd: No, I make a passenger run occasionally, as extra.

Mr. Sheean: Occasionally?

Mr. Boyd: Yes, sir.

Mr. Sheean: Do you know Engineer W. F. Sporz?

Mr. Boyd: Yes, sir.

Mr. Sheean: He runs in that same pool, doesn't he?

Mr. Boyd: Yes, sir.

Mr. Sheean: And has run there for some little time?

Mr. Boyd: Yes, sir.

Mr. Sheean: Running exclusively in that service from July, 1913, to the 30th of June, 1914, would you say that the average length of time consumed on the trips, if shown to be about eight hours, or a trifle over eight hours per trip, for the entire year, was below the average made by the men in that pool?

Mr. Boyd: Yes, sir.

Mr. Sheean: Mr. Sporz, however, has worked exclusively in that work through that period of time, hasn't he?

Mr. Boyd: He has been on the division all this time.

Mr. Sheean: And, whether or not he drew some time in the passenger service, you don't know?

Mr. Boyd: I know that he does passenger work occasionally. He is one of the oldest men on the division. They do the extra passenger work.

Mr. Sheean: In arriving at this average for October, 1914, on how many of those trips did you double Hancock Hill?

Mr. Boyd: I am not able to say exactly, but I think I only had one or two trains that I did not double with.

Mr. Sheean: One or two that you did not double?

Mr. Boyd: Yes, sir.

Mr. Sheean: So, on each of the trips which averaged ten hours and forty minutes, you drew pay for 120 miles—not each one of the trips, but in the majority of the trips you were paid for 129 miles?

Mr. Boyd: Yes, sir.

Mr. Sheean: Now, Mr. Boyd, making and being paid for 129 miles, under the provisions of the schedule under which you have operated for a great many years, the pay was just the same as being paid for 12.9 hours, if, in fact, you had been paid on an hourly basis?

Mr. Boyd: Yes, sir.

Mr. Sheean: And the hourly time put in averaged ten hours and 40 minutes, while the average pay was over the hourly rate for twelve hours on each of those trips, almost thirteen hours, if paid at the hourly rate?

Mr. Boyd: Yes, sir.

Mr. Sheean: In this preparatory work that you described upon direct examination, in case, after having inspected your engine and moving from the roundhouse over to the track on which your train was located, it was withdrawn there, annulled, what would you be paid therefor, under your schedule?

Mr. Boyd: If we were held on duty less than five hours we would receive five hours' pay. If more than five hours we would be paid a full day.

Mr. Sheean: So that, in fact, dating from the time you were required to report for duty, if you were released at any time within five hours, you were paid for five hours?

Mr. Boyd. Yes, sir.

Mr. Sheean: And that is irrespective of whether or not you do anything other than this preparatory work that you have described?

Mr. Boyd: Yes, if the train was annulled and we were released.

Mr. Sheean: If, in fact, you do nothing but preparatory work, you are paid five hours therefor: is that not true under your schedule?

Mr. Boyd: If the train was annulled and we were released—

Mr. Sheean: Assuming that you do nothing more at any

time that you called—than what you have described as preparatory work, you receive five hours pay therefor?

Mr. Boyd: I think so.

Mr. Sheean: And, if that preparatory work is immediately followed by and connected with a road trip of any kind, you are paid ten hours therefor?

Mr. Boyd: Yes.

Mr. Sheean: If, in fact, that preparatory work is connected with a road trip on which the speed is more than ten miles per hour, you are paid therefor more than an hourly rate from the time that you begin until the time that you are released?

Mr. Boyd: I think so.

Mr. Sheean: So that, in fact, from the moment that you report for duty, on any day that you report for duty, you do draw pay of some kind therefor?

Mr. Boyd: No, I don't consider that we do.

Mr. Sheean: You report for duty, and anything that the company may do thereafter will not absolve them from paying you some amount of money, will it? Mr. Boyd, if you are called for duty and report for duty, the company must pay you some amount of money, must it not?

Mr. Boyd: Yes, sir.

Mr. Sheean: And if you do nothing except prepare your engine, the company must pay you at least five hours therefor?

Mr. Boyd: If they relieve us they pay us five hours.

Mr. Sheean: If the preparatory work is coupled with road work of any kind they must pay you at least ten hours for that, although, in fact, you work but two, three or four hours?

Mr. Boyd: Yes, sir.

Mr. Sheean: If miles are made upon a trip, those miles must exceed the hourly rate of compensation which your schedule provides for in order to exempt them from payment for all hours on duty?

Mr. Boyd: Yes, sir.

Mr. Sheean: That is true, isn't it?

Mr. Boyd: Yes, sir.

Mr. Sheean: In 1911, I think you said that on this division of the Frisco the larger engines were installed?

Mr. Boyd: 1912, please.

Mr. Sheean: 1912?

Mr. Boyd: Yes, sir.

Mr. Sheean: What part of the year 1912, if you remember?

Mr. Boyd: I think it was October, 1912.

Mr. Sheean: That larger engine which went into use on the Frisco in October, 1912, was a kind of engine which had previously been in use on other railroads?

Mr. Boyd. They were the same engines we are using today, Consolidated superheater engines.

Mr. Sheean: And that larger Consolidated engine was in use on other parts of the Frisco before October, 1912?

Mr. Boyd: No, sir; they were put in service right there on the Eastern Division when they came from the works.

Mr. Sheean: That type and style of engine was specifically provided for by the Frisco schedule, since the movement of 1910, was it not?

Mr. Boyd: Yes, sir.

Mr. Sheean: And in the concerted movement of 1910, provision was made whereby engines of that type and style and weight on drivers, whenever put into service on any of the roads in the concerted movement, would take this rate; that is right, isn't it, Mr. Boyd?

Mr. Boyd: Yes, sir.

Mr. Sheean: What was the rate which these engines took when they went in service in October, 1912?

Mr. Boyd: $5.40 a hundred.

Mr. Sheean: What was the rate on the engines whose place these larger engines took in October, 1912?

Mr. Boyd: The same rate of pay.

Mr. Sheean: What was the weight on drivers of the other engines?

Mr. Boyd: Of the smaller engines, 196,000.

Mr. Sheean: Were the new engines superheated engines?

Mr. Boyd: Yes, sir.

Mr. Sheean: And were the older engines which they replaced also superheated?

Mr. Boyd: Yes, but a smaller engine.

Mr. Sheean: But a smaller engine?

Mr. Boyd: Yes, sir.

Mr. Sheean: In other words, there was no spread between the weight on drivers between these two classes of engines, made

by the agreement of 1910, whereby they would take different rates?

Mr. Boyd: No, sir.

Mr. Sheean: The Consolidation engines installed in October, 1912, on the Frisco carried a rate which was agreed upon in the movement of 1910?

Mr. Boyd: Yes, sir.

Mr. Sheean: Your yearly earnings, Mr. Boyd, on that run, or between these points, has been about what?

Mr. Boyd: I am not able to tell you. I have not figured it up.

Mr. Sheean: Well, you run something like $1700 or $1800 a year?

Mr. Boyd: I don't believe it will run that. Probably $1600.

Mr. Sheean: During the last year, you mean?

Mr. Boyd: The last two years, yes; two or three years.

Mr. Sheean: Take it from the fiscal year ending June 30, 1914, about what did you earn from July 1st, 1913, to July 1, 1914?

Mr. Boyd: I don't believe it would reach $1600.

Mr. Sheean: Do you mean in the pool, or all of your earnings?

Mr. Boyd: All of my earnings.

Mr. Sheean: But, you have not kept any accurate account of it?

Mr. Boyd: No, sir.

Mr. Sheean: It is possible that it might run over $1700, might it not?

Mr. Boyd: It might run $1700, but I doubt it.

Mr. Sheean: And on some of the runs that are made, all time on duty sometimes runs as low as five, or six, or seven hours?

Mr. Boyd: On passenger, yes.

Mr. Sheean: On passenger?

Mr. Boyd: Yes, sir.

Mr. Sheean: During the fiscal year I asked about, from July 1, 1913, to July 1, 1914, do you remember whether you laid off any considerable length of time during that period?

Mr. Boyd: July, 1913, to July, 1914?

Mr. Sheean: Yes.

Mr. Boyd: I possibly was off two weeks the longest, at one time.

Mr. Sheean: Two weeks at one time?

Mr. Boyd: As I recollect, yes, sir.

Mr. Sheean: But occasional lay-offs for shorter periods?

Mr. Boyd: Yes.

Mr. Sheean: Scattered throughout the year?

Mr. Boyd: Yes, sir.

Mr. Sheean: You would not be able to tell how many days all told during that fiscal year you laid off?

Mr. Boyd: No, sir.

Mr. Sheean: It might run as high as seventy days during the year and still make between $1600 and $1700?

Mr. Boyd: It would not run that high.

Mr. Sheean: Not as much as seventy days. You do remember on one occasion of laying off two weeks at a time during the year?

Mr. Boyd: It might be a little more than two weeks, a year ago this last October.

Mr. Sheean: About how long at a stretch there?

Mr. Boyd: Well, it was about two weeks or possibly a little more.

Mr. Sheean: And occasional lay-offs scattered throughout the year would run how long a time, two or three days at a time?

Mr. Boyd: Yes, it might run one trip or two trips occasionally.

Mr. Sheean: That is all.

REDIRECT EXAMINATION.

Mr. Stone: Mr. Boyd, in regard to your lay-off of a trip at a time, was it for the purpose of securing rest or to take recreation, or what was it?

Mr. Boyd: Yes, sir, for the purpose of securing rest.

Mr. Stone: Is it not a fact that as these engines increase and the tonnage increases, that the lay-offs for rest are more frequent among all the men than ever before?

Mr. Boyd: Yes, sir.

Mr. Stone: Did I understand you to say that you worked

the average for last month of ten hours and forty-five minutes per trip?

Mr. Boyd: For twenty-three days of October.

Mr. Stone: What did you get for that?

Mr. Boyd: $147 and a few cents, 66 cents.

Mr. Stone: It is a 119 mile division?

Mr. Boyd: Yes, sir.

Mr. Stone: And when you double you get 129 miles?

Mr. Boyd: Yes, sir.

Mr. Stone: And on that 129 miles, when would overtime begin?

Mr. Boyd: It would begin after eleven hours and 54 minutes.

Mr. Stone: Eleven hours, or twelve hours? Don't they call the hour for the double, too?

Mr. Boyd: Oh, yes, but providing we don't double, it begins at eleven hours and fifty-four minutes.

Mr. Stone: If you do double, and get the one hundred and ten miles, then when does it begin?

Mr. Boyd: Then it begins at twelve hours and fifty-four minutes.

Mr. Stone: So it is possible for them to use up the additional miles, in time, without any additional pay?

Mr. Boyd: Yes, sir.

Mr. Stone: Regarding that being called and not used; in your experience as engineer, covering thirteen years, how many times have you been called and not used?

Mr. Boyd: I don't recollect of but once.

Mr. Stone: Once in thirteen years.

Mr. Boyd: Yes, sir.

Mr. Stone: So that fancied pay for preparatory time that you get every trip made up to you in these short calls when you are not used, is more fancied than real?

Mr. Boyd: Yes, sir.

Mr. Stone: With regard to that road trip, when you go out and work only four hours and are paid for ten hours for it, is it not true that the company can use you that ten hours without additional pay?

Mr. Boyd: Yes, sir.

Mr. Stone: When you do make these fast trips over the

road, the company gets the same revenue for the train and you give them an equivalent in miles, do you not?

Mr. Boyd: Exactly, yes, sir.

Mr. Stone: You spoke, in your examination this morning, of there being an increase in tonnage from year to year. Have you any figures or anything to show that there has been an increase, from your own knowledge?

Mr. Boyd: The train haul comparison for the month of August, 1913, with that of the same month in 1914—the month of August, 1913, the percentage haul was 87 per cent of the rating and the month of August, 1914, it was 103 per cent.

Mr. Stone: Who is authority for that statement?

Mr. Boyd: Well, that is the bulletin they put out to all enginemen and trainmen; a statement of the train haul under the signature of the assistant superintendent.

Mr. Stone: That is issued to all the men in the engine service?

Mr. Boyd: Yes, sir.

Mr. Stone: It is what is known as a performance sheet?

Mr. Boyd: Yes, sir.

CROSS EXAMINATION.

Mr. Sheean: How is the traffic on this division, is it equally balanced, in both directions?

Mr. Boyd: It has not been this last several months; the east bound traffic has been somewhat heavier than the west bound.

Mr. Sheean: About what percentage does one bear to the other?

Mr. Boyd: I am not able to give it to you in percentage.

Mr. Sheean: What is it?

Mr. Boyd: I am not able to give it to you in percentage.

Mr. Sheean: Well, how often does it occur and what period of time does it cover that the tonnage handled is 100 per cent.

Mr. Boyd: Well, along through the summer months, in the good weather, it will average right at 100 per cent.

Mr. Sheean: For how long a time?

Mr. Boyd: Well, for probably three or four months.

Mr. Sheean: And is it equally balanced in both directions during that time?

Mr. Boyd: No, the west bound business is lighter, of course. It will not average near to that.

Mr. Sheean: How are the crews and enginemen gotten back in the direction of the light traffic?

Mr. Boyd: They double head them back and run them back with a caboose or light trains in order to transfer the engines back to the home terminals.

Mr. Sheean: And, when they go back with a caboose, how long does it take them to cover this district.

Mr. Boyd: It takes about four and a half or five hours to go right through. They sometimes run them as the first section of our local passenger train, and that time is about four hours.

Mr. Sheean: On the four hour proposition that Mr. Stone asked you about, if they could use them up to the ten hours before they began overtime, is there any such practice as that, that they can take you in a light caboose and run you over in four hours and then run you out for six hours more?

Mr. Boyd: When they run us into the terminal we are released.

Mr. Sheean: And you are paid ten hours?

Mr. Boyd: Yes, sir, paid 119 miles.

Mr. Sheean: That is, you are paid at the hourly rate for 11.9 hours for the work you have performed in four hours?

Mr. Boyd: Yes, sir

Mr. Sheean: Now, where is the instance that you had in mind when you answered Mr. Stone's question that, if you made it in less than ten hours, that they could use you to fill out the ten hours—just tell us, in practical operation, how that is done, and what instance of it, you ever knew of occurring?

Mr. Boyd: I don't think of any just now.

Mr. Sheean: But, you do know of instances, do you not, where in very much less even than four hours they pay you ten times the hourly rate for that?

Mr. Boyd: Yes. For instance, if you start out on the road and the engine breaks down, and you only get to the first station out and are only on duty two hours, they will pay you for ten hours.

Mr. Sheean: That is, they pay you ten times the hourly rate—is there any way in which, in practice, the thing has been done which Mr. Stone said might be done, that after being out

four hours they could use you or hold you until you had given the ten hours' service?

Mr. Boyd: Not if you return to the terminal they cannot do that.

Mr. Sheean: No matter what length of time you take in making the 119 miles, you are paid the 11.9 times the hourly rate for it?

Mr. Boyd: If we go into our home terminal, we are.

Mr. Sheean: Suppose you go into the other terminal?

Mr. Boyd: Or the opposite terminal, we are.

Mr. Sheean: That also applies in case you go out a distance of ten or twelve or fifteen miles and the engine breaks down?

Mr. Boyd: And we return to the terminal.

Mr. Sheean: If you should be only two miles out?

Mr. Boyd: We would receive 100 miles.

Mr. Sheean: Then, if you take another engine and start right out again to make this trip of 119 miles they would pay you 219 miles at the completion of that trip?

Mr. Boyd: No, sir, it would be a continuous trip.

Mr. Sheean: Of how much?

Mr. Boyd: You would get paid the actual mileage or hours whatever you are on duty.

Mr. Sheean: What is it?

Mr. Boyd: You would either get the actual hours or mileage. If the hours exceeded the miles, you would get the hours.

Mr. Sheean: In case of the automatic release rules, men going into terminals are automatically released, and there would then be 100 and 119 miles?

Mr. Boyd: In our pool, in freight service, they do not do that. If in a regularly assigned service, like a local freight run, if the engineer goes out and the engine breaks down he would return and get another engine and continue on his trip.

Mr. Sheean: There is no automatic release in practice, then?

Mr. Boyd: Not in that particular service; not in assigned service like that.

Mr. Sheean: Well, how about it in pool service?

Mr. Boyd: If we go out and the engine breaks down and we return to the terminal, they will call another crew, of course.

As soon as they find they need another crew they will get on to it and take the train forward.

Mr. Sheean: So that in practice it does not occur that a man who is paid 100 miles on a breakdown a couple of miles out does actually go out in practice; he gets 100 miles and then the crew which is called to replace him gets 119 miles?

Mr. Boyd: Yes, sir.

Mr. Sheean: The company pays the two crews 21.9 times the hourly rate, those two crews?

Mr. Boyd: Yes, sir.

Mr. Sheean: Now, when this tonnage was 103 per cent in one direction what was it in the other, do you know?

Mr. Boyd (after examining paper): I believe it was about 90 per cent.

Mr. Sheean: In the opposite direction?

Mr. Boyd: Yes, sir.

Mr. Sheean: That is all.

Mr. Stone: In that case of going out two miles from the terminal and breaking down and returning again, how many times has that happened to you in your thirteen years' experience as an engineer?

Mr. Boyd: I recall two different times when that has happened to me.

Mr. Stone: So that is another of those cases that is more fancied than real—it has only happened twice in thirteen years?

Mr. Boyd: That is all I can remember of.

Mr. Stone: When you went over the road with that light train in four hours, did you get paid for eleven hours and fifty minutes, or 119 miles?

Mr. Boyd: 119 miles.

Mr. Stone: You gave them the actual miles?

Mr. Boyd: Yes, sir.

Mr. Stone: That is all.

Mr. Sheean: That is all.

(Witness excused.)

The Chairman: Call your next witness.

WILLIS J. ARMSTRONG was called as a witness and, having been duly sworn, testified as follows:

Mr. Stone: Mr. Chairman, in view of the fact that we have tropical weather in Chicago at the present time, I thought it might be well to put a man on the witness stand from where it actually gets cool. This is Mr. Willis J. Armstrong of the Canadian Pacific Railway, running between Revelstoke and Kamloops, British Columbia.

Mr. Armstrong, you are at the present time in the employ of the Canadian Pacific Railway?

Mr. Armstrong: Yes, sir.

Mr. Stone: You will have to talk louder than that if they hear you. What class of service are you in at the present time?

Mr. Armstrong: Engineer.

Mr. Stone: What class of service as an engineer?

Mr. Armstrong: Passenger.

Mr. Stone: How long have you been an engineer on the Canadian Pacific?

Mr. Armstrong: Twenty-two years.

Mr. Stone: You are running at the present time between where?

Mr. Armstrong: Kamloops and Revelstoke.

Mr. Stone: You formerly ran most of the time, or had most of your experience, on the other division, did you not?

Mr. Armstrong: Yes, on the sub-mountain division.

Mr. Stone: Between where, between Field and Laggan?

Mr. Armstrong: Between Field and Laggan.

Mr. Stone: What class of engine are you running at the present time?

Mr. Armstrong: Ten wheeler, twenty and thirty inch cylinders, 142,000 pounds on drivers, designated as D-9 class.

Mr. Stone: Has the tonnage been increased on the division on which you run since 1910?

Mr. Armstrong: Yes.

Mr. Stone: Has this tonnage been increased on account of heavier power?

Mr. Armstrong: No; it has been on account of the reduction in grades.

Mr. Stone: About how much has that increase been, Mr. Armstrong?

Mr. Armstrong: Three hundred tons in both directions.

Mr. Stone: What experience have you had in mountain service?

Mr. Armstrong: I am now running between Revelstoke and Kamloops, and for twenty-four years, since 1886, I worked between Revelstoke and Field, where there were very heavy grades and hard mountainous conditions.

Mr. Stone: I wish you would tell this Board, in your own way, some of the conditions that you have had to contend with on that mountain grade, mountain division?

Mr. Armstrong: The most difficult conditions exist during the winter months. We have stormy, cold weather, snow slides are frequent, and during the spring and fall we have mud and rock slides. There is also a heavy snow fall during the winter months to contend with. The usual snow fall is from thirty to forty-five feet for the season.

Mr. Stone: Thirty to forty-five feet snow fall during the season. That is the government's record, is it?

Mr. Armstrong: Yes, sir.

Mr. Stone: What is the grade between Field and Laggan?

Mr. Armstrong: About 2.2.

Mr. Stone: That is at the present time?

Mr. Armstrong: Yes, sir.

Mr. Stone: What was it before?

Mr. Armstrong: I could not exactly tell you the grade between Field and Laggan, 2.2 or 2½, I am not certain which.

Mr. Stone: That is since they looped the loop?

Mr. Armstrong: Yes.

Mr. Stone: What was it before they did that?

Mr. Armstrong: About four and a half.

Mr. Stone: I wish you would explain to the Board, something of the spiral tunnels they have there. I see some of the Board smiled when I said looped the loop. They do worse than that, they loop the loop twice, don't they?

Mr. Armstrong: I would have to have a piece of paper to explain that.

Mr. Stone: Make a rough diagram so the Board can understand what you mean by that.

Mr. Armstrong: This is the old main line up the Rockies, from Field to Laggan (indicating on diagram). From this point

they made a new diversion. There are mountains on both sides, and the valley is very narrow. They made a new diversion and they put in two new spiral tunnels, and the new portion of the road goes up in this direction, and it goes into the mountain here, turns around and back out and crosses over.

Mr. Stone: When it comes back out there, if I might interrupt you, how much higher is it than where it went into the heart of the mountains?

Mr. Armstrong: About 125 to 150 feet I should judge. It comes back and it goes into the mountains again on the south side, and it turns around and comes out here, and goes up here to Hector. (Indicating.) So to get the distance they circle in both mountains, north and south.

Mr. Stone: That is right in the heart of the mountain, a 10 degree curve and a 2.2 per cent grade?

Mr. Armstrong: About 2 per cent grade. The grade is lighter in the mountain than it is in the tunnel—or I mean it is lighter in the tunnel than it is outside.

Mr. Shea: What is the distance of these loops?

Mr. Armstrong: The lower one is 2,100 feet, and the upper one is 2,300, I think; the loop in the mountain.

Mr. Burgess: This is where that comes into the main track, the original main line right there? (Indicating.)

Mr. Armstrong: Yes, it comes in just a mile east of Hector.

Mr. Stone: Do you ever get off the track in that tunnel in the heart of the mountain?

Mr. Armstrong: Yes, they have had some accidents there, but very few, however. I have heard them speaking about having difficulty in disconnecting in the tunnel there. A pusher man I heard say that he was seven hours disconnecting in the tunnel.

Mr. Stone: I think they would have a nice job if they got one of those Mallets in there off the rails and had to jack her up and slide her over onto the rails again. Have you ever had one of them off in there?

Mr. Armstrong: I think in this instance he had, but I am not quite familiar with the case, only I heard him speak about it, that he was seven hours disconnecting in the tunnel.

Mr. Stone: You were on that division for some twenty-four years?

Mr. Armstrong: Backwards and forwards. I work more from Field to Revelstoke than I did from Field to Laggan. I was on through passenger trains where we used to operate the trains up that heavy grade.

Mr. Stone: Before they got this tunnel with spirals in each one of the mountains, how many engines did they use to use on one of their passenger trains?

Mr. Armstrong: With ten cars, four engines.

Mr. Stone: Do you put an engine ahead, and two in the center and one on the rear, is that the way you handle it?

Mr. Armstrong: Yes, sir.

Mr. Stone: Did you have any snow sheds on that division?

Mr. Armstrong: No, not east of Field at that time.

Mr. Stone: Have you had any experience in getting out there with a rotary snow plow in the winter time?

Mr. Armstrong: In one instance. I was going west, and we came in contact with a slide just at the foot of a heavy hill. Just as we were coming off of the approach, and we were held for seven hours.

Mr. Stone: Have you had any accidents on that division on account of the snow slides?

Mr. Armstrong: No, not east of Field.

Mr. Stone: Isn't there a "slow" order all the way over that division, that is a restriction of speed, I mean?

Mr. Armstrong: Yes, there are different points all over.

Mr. Stone: At what speed do you handle your passenger trains over that division?

Mr. Armstrong: The average I think is about 18—well, I am not quite sure of the average of the passenger trains over the mountain division.

Mr. Stone: It gets very cold up there, does it not?

Mr. Armstrong: Yes, at Field it is very cold. During some times of the winter I have seen it as low as 45 and 50 degrees below zero.

Mr. Stone: I wish you would tell the Board what it means to try to handle a freight train over the road, when it is 45 or 50 degrees below zero. Just tell it in your own language and in your own way?

Mr. Armstrong: Well, a person has different conditions; the track is drifted at points along. The oil box and the hose

bags are more or less frozen up, and your train pulls heavily. From time to time you have to double and run for water in different places; and the general condition in real cold weather, why it is hard to tell; you are up against different things that transpire from time to time.

Mr. Stone: When you get a freight train in on the siding and lay there for an hour or so, it freezes up so you cannot move it, don't it?

Mr. Armstrong: Yes, sir, and lots of times you have to pull your train out in pieces until you get it on the main line: more or less snow drifts in around the wheels of your cars and it is impossible to move it.

Mr. Stone: So, it makes it necessary to work your cars loose one at a time and get them warmed up again, on account of the cold?

Mr. Armstrong: Yes, sir.

Mr. Stone: I think you said you had had some experience with a snow slide. You have never been caught in one yourself?

Mr. Armstrong: Yes, sir, I have been caught in snow slides.

Mr. Stone: Have any of your men that were with you been killed?

Mr. Armstrong: Yes, in several instances.

Mr. Stone: In several instances they have been killed?

Mr. Armstrong: Yes, sir.

Mr. Stone: I wish you would tell the Board some more of your experiences in regard to these snow slides. I would like to get that before them, what men contend with, in the Northwest, in winter.

Mr. Armstrong: In February, 1887, there was a heavy snow storm. We went east with the snow plow, doubleheading, and about a mile east of Rogers Pass, the snow plow got off the track. While we were putting the snow plow back, a slide came from the south side, striking the snow plow, and our engine, turning the engine over, and burying almost all of us. Two were able to liberate themselves. Mr. Marpole, General Superintendent at that time, told me afterwards how we were released. He said he was with a gang, about a quarter of a mile in our rear, east. All at once they saw one of our brakemen on our train running rapidly toward them. He never stopped, but

as he sped past them, he called out "Slide," and kept right on going without slackening speed. We never heard of him in this country again.

Mr. Stone: He is probably still running?

Mr. Armstrong: I expect so. The safety pops of our engine were knocked off by the slide, and the escaping steam melted a hole in the snow, revealing our exact whereabouts. After all the bodies were recovered, six were found to be dead. It was a day and a night before all the bodies were recovered. I was a fireman at the time, and the engine turned over on my side of the cab. When we were dug out, they found the engineer standing on my legs, and there were about seven feet of snow over us.

On March 4, 1910, Engineers Phillips and Potruff, operating a rotary steam plow and a locomotive pushing it, were struck by a slide just west of Rogers Pass. Both these men were killed; also the rest of the gang of about sixty-five men, with the exception of one fireman, and a brakeman on the plow. From time to time, during my time of service, there have been similar cases.

Mr. Stone: Was that the reason, Mr. Armstrong, why you left the division and went on the division down in the valley, or down where there was not so much snow, on account of the danger on that division?

Mr. Armstrong: Yes, sir.

Mr. Stone: You still hold seniority on that division, do you not?

Mr. Armstrong: Yes, sir.

Mr. Stone: But you prefer to work where they don't have quite so many snow slides?

Mr. Armstrong: Any engineer running out of our station, out of Revelstoke, always prefers to get relieved from the mountains as soon as he can get a run that he can hold on the valley service.

Mr. Stone: Do you prepare your own engines up there, or are they gotten ready for you?

Mr. Armstrong: We prepare them.

Mr. Stone: Are you paid anything for this?

Mr. Armstrong: Thirty minutes.

Mr. Stone: An arbitrary allowance of thirty minutes?

Mr. Armstrong: Yes, sir.

Mr. Stone: Can you get an engine ready in 60 degree weather, 60 degrees below zero, in thirty minutes?

Mr. Armstrong: Well, it is a question whether we can get it ready or not, but that is the time we are allowed.

Mr. Stone The result is that you come around much earlier than that, do you not, in order to be ready on time?

Mr. Armstrong: Yes, we come around forty-five minutes before leaving time.

Mr. Stone: How about the cost of living up there, Mr. Armstrong, has it increased in the last few years?

Mr. Armstrong: No, as far as the cost of living is concerned these last few years, I should judge it is about the same, with the exception, that we pay a little more for our meals out on the road.

Mr. Stone: It always has been high in the mountain country, has it not?

Mr. Armstrong: Yes, sir.

Mr. Stone: You have much higher rates in the mountain service than in the valley, do you not?

Mr. Armstrong: Yes, there is a difference.

Mr. Stone: Can you explain why this was granted, why the higher rate was given?

Mr. Armstrong: In 1886, when the road was turned over from the constructing department, Sir William Van Horne, who was then general manager, recognizing the fact that men engaged in mountain service were entitled to a higher rate, due to the danger of running into slides and undesirable conditions where the men were compelled to live, and the additional skill in handling trains down the heavy grades, agreed to an allowance of one hundred and twenty miles between Revelstoke and Donald, a distance of seventy-nine miles, at that time figured at a rate of six and one-quarter cents per mile. Later, when the division was extended sixty-seven miles, from Donald to Laggan, the company again recognized the justice of a higher rate in mountain service, and agreed to pay $5.25 per day for passenger, freight and mixed services, compared to $3.95 in passenger and $4.10 in freight, in valley service.

Mr. Stone: Does that same condition exist now?

Mr. Armstrong: Yes, sir, with the exception that addi-

tional snowsheds have been constructed, eliminating, to some extent, the dangers of running into slides, although it is impossible to tell just where a slide may come down.

Mr. Stone: Are those snowsheds timbered heavy enough to hold up a slide as it comes down the mountain?

Mr. Armstrong: Yes, sir, as a rule they carry all slides. In very exceptional cases, in the spring, where there is a rock—you might say a mud slide from the mountain during heavy snow, they will break the sheds.

Mr. Stone: You have had a number of cases of that, have you not?

Mr. Armstrong: Yes, sir.

Mr. Stone: I think that is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Armstrong, how long have you worked altogether for the Canadian Pacific?

Mr. Armstrong: Since 1886.

Mr. Sheean: Since 1886?

Mr. Armstrong: Yes, sir.

Mr. Sheean: In 1887, the year in which you described this first slide, what were the rates being paid to engineers at that time?

Mr. Armstrong: The engineers were getting fifty-five—or ninety dollars a month.

Mr. Sheean: $90 a month?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And, on that same run, now, what is being paid to the engineer?

Mr. Armstrong: A different condition exists in snow plow service at the present time than what did in those days. We work by the day and by the mile in snow plow service, and in those days we worked by the month.

Mr. Sheean: There was no limitation as to hours at that time; you worked by the month and made your trip that you were sent out on?

Mr. Armstrong: We got so much a month.

Mr. Sheean: So much a month?

Mr. Armstrong: Yes, sir.

Mr. Sheean: You went out when you were ordered out, and made the run in the best time that you could?

Mr. Armstrong: I might say that we were guaranteed so much a month; but, as a rule, we did not make any more than our monthly pay at that time.

Mr. Sheean: How long is it, Mr. Armstrong, since you worked in the freight service that you have described there?

Mr. Armstrong: How is that?

Mr. Sheean: How long since you worked in freight service?

Mr. Armstrong: I did mostly all my service in the pushing service as well as passenger, very little freight. I have worked in freight service but very little.

Mr. Sheean: You have held a passenger run for quite a long time, haven't you?

Mr. Armstrong: Quite a while, yes, sir.

Mr. Sheean: About how long?

Mr. Armstrong: Since 1908, I should judge.

Mr. Sheean: This run between Revelstoke and Kamloops that you say you are on now, how long have you been on that run?

Mr. Armstrong: Since 1910.

Mr. Sheean: So that, since 1910, down to the present time, you have been running a passenger train there?

Mr. Armstrong: Yes, sir.

Mr. Sheean: That is a run of how many miles?

Mr. Armstrong: 129 miles.

Mr. Sheean: How long does it take you to make that run?

Mr. Armstrong: Five hours and thirty minutes.

Mr. Sheean: And then, in addition to that you go down forty-five minutes before you start out on the run?

Mr. Armstrong: Yes, sir.

Mr. Sheean: So that, from the time you report there until your release it is six hours and fifteen minutes, each day?

Mr. Armstrong: Yes, from the time we arrive.

Mr. Sheean: What does that run pay?

Mr. Armstrong: It will average about $193 or $194 a month.

Mr. Sheean: What are the hours that you put in, starting out from Kamloops. You start from Kamloops and have the duty, before, of looking after your engine preparation. The

actual hours I mean, what time of day or night is it, the run as you make it? Just give us one round trip that you make there.

Mr. Armstrong: The actual hours?

Mr. Sheean: Yes.

Mr. Armstrong: You are called, and the time you are called in the morning, you have to get out and get down to your—eat a bite before you get out, and you will be about ten hours.

Mr. Sheean: When do you report? Just give us the hour that you report. Supposing, you are starting out on this run from Revelstoke to Kamloops, what time do you report at the roundhouse at Revelstoke?

Mr. Armstrong: 45 minutes before my leaving time.

Mr. Sheean: Just take an actual trip. What is the leaving time?

Mr. Armstrong: 7:20.

Mr. Sheean: 7:20 in the morning?

Mr. Armstrong: Yes, sir.

Mr. Sheean: You report 45 minutes before that?

Mr. Armstrong: Yes, sir.

Mr. Sheean: Then, at 7:20 you pull out and what time do you get to Kamloops?

Mr. Armstrong: At 12:50.

Mr. Sheean: And, then, for that run you get how much, what is the pay?

Mr. Armstrong: $4.75 a hundred miles.

Mr. Sheean: On that particular run it would be 129 times 4.75?

Mr. Armstrong: Yes.

Mr. Sheean: Do you happen to know, in dollars and cents, just what that is, without figuring?

Mr. Armstrong: About six dollars, a little fraction over six dollars.

Mr. Sheean: At 12:50, do you say?

Mr. Armstrong: What is that?

Mr. Sheean: 12:50, did you say, the time was that you are released?

Mr. Armstrong: 12:50, that is my arriving time at the station. Then, you understand, we have to back up pretty near

half a mile, bring our engine up to the shop, and before I get away from the engine I have consumed as an average 45 to 50 minutes, before I get away from my engine.

Mr. Sheean: Then, from 45 minutes before 7:20 in the morning and 45 minutes after 12:50 in the afternoon—say it was 1:50 that you actually left the engine at the roundhouse at Kamloops, then, when do you start back?

Mr. Armstrong: At 7:15.

Mr. Sheean: Next morning.

Mr. Armstrong: No, in the evening.

Mr. Sheean: That same evening?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And what time do you arrive at Revelstoke?

Mr. Armstrong: 12:45.

Mr. Sheean: 12:45?

Mr. Armstrong: Yes.

Mr. Sheean: And then you don't go on duty at all the next day?

Mr. Armstrong: No, sir.

Mr. Sheean: What is it?

Mr. Armstrong: No, sir.

Mr. Sheean: And that could be arranged—that is merely for the convenience of the men to double the road in that way and come back and then lay off from 12:45 at night, when you get back, until 7:20 the day after tomorrow—that is, if the men themselves saw fit to arrange that after they arrived at Kamloops at 12:50 that you returned the next day, that could be arranged between you?

Mr. Armstrong: Yes. It is as much for the convenience of the company as it is for me, in this way; it brings the power back to the home station where that power is attended.

Mr. Sheean: I meant, merely, it was a matter of mutual arrangement, you get home after midnight tonight and then you do not go to work again until 7:20 Wednesday morning.

Mr. Armstrong: No, sir.

Mr. Sheean: That gives you a long lay-over and brings the company's power back to the home terminal and you also are at the home terminal, having from midnight tonight, until 7:20 Wednesday morning before you start out again?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And, that run, made in that way, pays one hundred and ninety dollars and some cents each month?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And you have had that run for four years, about?

Mr. Armstrong: Yes, I have had that run for four years.

Mr. Sheean: Now, on this run from Field to Revelstoke, that you have described here, the men on that run make over $250 a month, don't they?

Mr. Armstrong: Well, in some cases they do; but, if they do not make any overtime; I mean are not delayed on the road, they average, I should judge, about $230 or so.

Mr. Sheean: About $230?

Mr. Armstrong: Yes.

Mr. Sheean: Without any overtime at all?

Mr. Armstrong: Yes.

Mr. Sheean: And this mountain differential spoken of here, was agreed upon between the men and the company as to there being differentials between—I guess you have three there, haven't you, plain, valley and mountain. Aren't there three rates on the Canadian Pacific?

Mr. Armstrong: I think you get a little more there on the valley service than on the prairie service.

Mr. Sheean: The Canadian Pacific has adopted three classes for the territorial divisions through which they run; that is prairie, valley and mountain; and the railroad designates the divisions that shall be considered mountain divisions?

Mr. Armstrong: Yes.

Mr. Sheean: And, on this particular mountain division that you have described here, the rate is one dollar a day higher than the same engine would take in the valley, isn't it?

Mr. Armstrong: No, in valley service that rate on a mountain engine would be $5.40, and in mountain service $6.05.

Mr. Sheean: Well, in passenger service, it would be $4.65 and $5.65, wouldn't it?

Mr. Armstrong: Yes. $5.40 in valley service and $6.05 in mountain service.

Mr. Sheean: Now, in passenger service, is the difference between $4.65 and $5.65?

Mr. Armstrong: In passenger service, on the mountain service it is $5.65, and $4.75 in the valley.

Mr. Sheean: 90 cents differential.

Mr. Armstrong: 90 cents differential, yes.

Mr. Sheean: Now, in these twenty-five years that you have been there on the Canadian Pacific, Mr. Armstrong, outside of the two engineers and one fireman killed at Rogers Pass, have you ever known of any other engineers or firemen being killed or injured in any slide, on that entire system, or have you given us all of the instances here?

Mr. Armstrong: No, sir; I know of other instances.

Mr. Sheean: Other slides?

Mr. Armstrong: Yes, sir.

Mr. Sheean: Where were they, Mr. Armstrong?

Mr. Armstrong: Well, at different places along that division. We have had trainmasters killed.

Mr. Sheean: No, I said engineers or firemen.

Mr. Armstrong: Oh, engineers and firemen—let's see—No, I don't think that in any snow slides we have had any engineers and firemen.

Mr. Sheean: Well, the total fatalities, by reason of slides, covering your knowledge for a quarter of a century, there are two engineers and one firemen, in all of the operations, through this quarter of a century, in that territory you have described?

Mr. Armstrong: Two engineers and two firemen, but in lots of cases we have had very close calls.

Mr. Sheean: Well, haven't these diversions that you have referred to here, and the construction of the tunnel, lessened some of the dangers of slides?

Mr. Armstrong: The diversion between Field and Hector has not done away with any slides; I think they have increased them more than they have done away with them, by putting more kinds of slope on the mountain.

Mr. Sheean: You haven't known, since that diversion was made there, of any fatalities because of any slides?

Mr. Armstrong: There have been slides there at times, from year to year. We had a slide here on the big hill only a few weeks ago.

Mr. Sheean: Any injury caused by that?

Mr. Armstrong: Oh, no; there were no injuries at all.

That diversion between Field and Hector was due to the company putting it in there to reduce that heavy grade.

Mr. Shean: Well, with that reduction of the grade, there was no reduction in the wages of the men, when they reduced that grade from 4½ down to 2 per cent, was there?

Mr. Armstrong: No, sir; no reduction.

Mr. Sheean: I suppose the reduction of the grade by one-half did lessen the hazard, that has been described here, of operating on the higher grade of 4½ per cent?

Mr. Armstrong: No, sir, I don't think it did. We have got the tunnel to contend with, and, furthermore, we handle heavier trains up that grade.

Mr. Sheean: Now, in these slide zones, isn't it the practice of the Canadian Pacific, and hasn't it been the practice, to patrol these places and use all reasonable efforts to try to ascertain whether or not there is any sliding or loosening up there?

Mr. Armstrong: Yes, sir, but, you understand, that in the mountains, if a slide comes down, you usually—now, these accidents that I mentioned here, that slide came down in a particular place, where the company or no man expected it. There was never a slide there before. These accidents generally occur where you least expect them. From time to time the company is placing snow sheds, and at the present time driving a tunnel through those mountains, to try to get away from this danger; but, still, it does not alter the fact that the men are up against these conditions.

Mr. Sheean: It is a fact that all the time during this whole quarter of a century that you have had experience there, there has been a constant effort to improve the conditions, and to avoid, so far as human foresight can avoid them, or lessen them, the dangers of operations necessarily incident to mountain service?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And those conditions not only improved from 1896 to 1907, but have improved from 1907 down to date, haven't they?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And the hazards incident to that mountain service, have been improved constantly and continually, have they not?

Mr. Armstrong: Yes, sir. I might say that the company, in

the spring of 1887, constructed a snow shed where we were buried, and when the snow shed came to be renewed, they tore it out of there, simply because there was no slide that came from that time up to the time it was required to be renewed.

Mr. Sheean: Well, as to the amount of snow that falls up there, there has been no change by which the volume of snow or the frequency of snow slides has been increasing from year to year—the snow fall is not any heavier now than it was in 1909 and 1910?

Mr. Armstrong: No. It just depends on the conditions of the winter. You may have a heavy snow fall, and a very light winter from snow slides. It depends on the condition of the weather.

Mr. Sheean: On the Canadian Pacific the engineers still fill the grease cups, do they not?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And, that is a considerable part of this time that is used by the men on that road preparing their engines, that is devoted to that work of filling grease cups?

Mr. Armstrong: Yes sir, and in doing different things. They have to fill the grease cups, they have to see that different things are placed on their engines—oil and water, and everything else.

Mr. Sheean: When was this reduction of grades made between Field and Laggan?

Mr. Armstrong: I could not just exactly tell you the year.

Mr. Sheean: Recently?

Mr. Armstrong: I could not tell you just exactly the year. It was all in the neighborhood of five or six years ago.

Mr. Sheean: The power on this particular division that you have testified about, is about the power that was used there in 1910?

Mr. Armstrong: Yes, sir.

Mr. Sheean: And whatever increase in tonnage there has been during that time has been brought about by change in the grades?

Mr. Armstrong: Yes, that is all.

Mr. Sheean: Or alignment of the track?

Mr. Armstrong: Yes, that is all.

Mr. Sheean: The engines that the men are using are just

the same in height and style as the ones they were using in 1910?

Mr. Armstrong: Yes, sir.

Mr. Sheean: That is all.

REDIRECT EXAMINATION.

Mr. Stone: Mr. Armstrong, how many engineers are there employed on the seniority district, where you hold seniority, about how many?

Mr. Armstrong: About 250 to 300.

Mr. Stone: How many engineers are there in passenger service, of that 250?

Mr. Armstrong: At the present time I should judge about twenty-two or twenty-four—I would not be certain, you see.

Mr. Stone: On the general average, I mean. Are you a promoted man—did you do your firing on the Canadian Pacific?

Mr. Armstrong: Yes, sir.

Mr. Stone: Did you do your firing on this mountain division?

Mr. Armstrong: Yes, sir.

Mr. Stone: How many years did you fire and run an engine before you got to a passenger train?

Mr. Armstrong: Well, I should judge before I got over twenty years

Mr. Stone: Over twenty years?

Mr. Armstrong: Yes, sir.

Mr. Stone: Yet, the fact remains that, according to your statement of hours and the amount of pay received, you are really only getting about 71.39 cents per hour, figured on an hourly basis?

Mr. Armstrong: Yes, sir.

Mr. Stone: So, you are not getting as much in that climate, 60 degrees below zero, as a Chicago bricklayer is getting now per hour?

Mr. Armstrong: No.

Mr. Stone: I don't suppose it is possible to tell these men how a man has to dress in that climate and what it means to run a locomotive in that temperature? The frost gets over everything, doesn't it, and you cannot see?

Mr. Armstrong: Some times of the year.

Mr. Stone: You have to keep your head out of the side window?

Mr. Armstrong: Yes, sir, some times of the year.

Mr. Stone: You spoke of filling grease cups. How long do you think it would take to fill a set of grease cups on a ten-wheeler, standing outside, with the temperature 60 degrees below zero?

Mr. Armstrong: Well, I will tell you the way we do it, as a rule. We come down and do this work while the engine is standing in the shop, and take our time for doing it. I know that is the way I do it. I do this work in the shop on my day that I am laying off.

Mr. Stone: That is the day that you are on a vacation?

Mr. Armstrong: The day that I am on a vacation, yes, sir.

Mr. Stone: You come down and put in a few hours work for good measure?

Mr. Armstrong: Yes, sir, in real cold weather.

Mr. Stone: That would make your average hourly rate still lower, would it not, if you counted in that time?

Mr. Armstrong: Yes, sir. You take and fill a hard grease cup while your engine is standing outside, and she is all froze up, and it is an impossibility to press that grease down onto the pin; it is frozen up. Therefore, your engine don't get the lubrication she should get, until she heats up.

Mr. Stone: And sometimes, then, it is too late?

Mr. Armstrong: Yes, sir.

Mr. Stone: They burn out after they heat up?

Mr. Armstrong: Yes, sir.

Mr. Stone: I think that is all, Mr. Armstrong.

CROSS EXAMINATION.

Mr. Sheean: I just want to find out about that 71 cents an hour. Leaving at 7:20 in the morning, Mr. Armstrong, and reporting at 45 minutes before that, if I followed you correctly, upon one of those trips of yours you leave at 7:20?

Mr. Armstrong: Yes.

Mr. Sheean: You report 45 minutes before that?

Mr. Armstrong: Yes, sir.

Mr. Sheean: That would be at 6:35, would it? 6:35 in the morning to leave at 7:20?

Mr. Armstrong: Yes, 6:35.

Mr. Sheean: And you reach the other end of your run at 12:50?

Mr. Armstrong: At 12:50.

Mr. Sheean: It takes 45 minutes before you are finally released?

Mr. Armstrong: Yes, sir.

Mr. Sheean: After you arrive at the roundhouse?

Mr. Armstrong: Yes, sir.

Mr. Sheean: That would be at 1:35 in the afternoon?

Mr. Armstrong: Yes.

Mr. Sheean: So that from 6:35 to 1:35, it would be a total of seven hours?

Mr. Armstrong: Yes, sir.

Mr. Sheean: How much is it that you draw for that, 129 times 4.75, is it?

Mr. Armstrong: Yes.

Mr. Sheean: Six dollars and how much?

Mr. Armstrong: Six dollars and about—well, I don't know; it is about $6:30.

Mr. Sheean: What is it?

Mr. Armstrong: About $6.30; 30 or 40 cents.

Mr. Sheean: Six dollars and thirty odd cents?

Mr. Armstrong: Yes.

Mr. Sheean: And, if you started counting your time from the time you came to the roundhouse, 45 minutes before you leave, and then counted up to 45 minutes beyond the time that your train arrived, you would be on duty a total spread of seven hours, and draw something over six dollars for it, $6.30? That is right, isn't it?

Mr. Armstrong: Yes, sir.

Mr. Sheean: I don't quite get the mathematics on which you figure it at 71 cents an hour?

Mr. Armstrong: You understand, if I should be delayed on the road at any time I have to put in a longer service for that. I run by miles in this case. I say I am running by miles; I am working piecework in this case between Revelstoke and Kamloops.

Mr. Sheean: I understood Mr. Stone's question to be that when even after all this length of time you had gotten up to

where you had a passenger run, and where the passenger run only paid you 75 cents an hour, and I didn't quite get the mathematics of it. The fact is, for this run, where you start the run at 7:20 in the morning and where the run ends at 12:50 in the afternoon, you are paid something over $6.30 each time you make it?

Mr. Armstrong: Well, I might explain that in this way: You see, a man has to get up in the morning, he has got to be around and get to the shop and report, and you have got to put in a certain length of time between the time before you get to the shop, and the time after you arrive. In all cases we don't, as a rule, give all our time or our particular hours, I know I don't. And, you will find, and I will bet you that there isn't one railroad man here in this room that don't give more time to preparing his engine, and after he arrives at his destination, than what is really shown up by our schedule.

Mr. Sheean: Well, of course, on the schedule, Mr. Armstrong, as you gave it, the time on the road is only five hours and a half, isn't that right?

Mr. Armstrong: Yes, sir.

Mr. Sheean: If you added to that, an hour and a half, or even though you added to that two hours and a half every day for full measure, getting it up to two hours, I still don't see where you get the 71 cents an hour, if you are getting $6.30 for every time you make that trip.

Mr. Armstrong: Well, I don't just understand your question there.

The Chairman: Will you let me ask him a question, Mr. Sheean?

Mr. Sheean: Yes, certainly.

Mr. Chairman: Are you employed by piece-work or by the hour? How many hours do you work or are you supposed to work?

Mr. Armstrong: How many hours for the day's pay?

The Chairman: Yes.

Mr. Armstrong: Eight hours.

The Chairman: And for that how much do you receive?

Mr. Armstrong: We get 15 miles an hour on our run.

The Chairman: What does it make?

Mr. Armstrong: It is $6 and—

The Chairman: What time do you leave?

Mr. Armstrong: How?

The Chairman: What time do you leave in the morning?

Mr. Armstrong: We leave in the morning at 7:20, and arrive in Kamloops at 12:50.

The Chairman: Does that complete your day's run?

Mr. Armstrong: That completes our day's run.

The Chairman: For that day's work what amount do you receive?

Mr. Armstrong: About $6.30.

The Chairman: $6.30.

Mr. Armstrong: Yes.

The Chairman: So, for your day's work you are paid $6.30?

Mr. Armstrong: Yes, sir, about that; I didn't figure it out exactly.

Mr. Burgess: Mr. Armstrong, how many miles do you run for that $6.30?

Mr. Armstrong: 129 miles.

Mr. Burgess: You consider you are paid by the mile, do you not?

Mr. Armstrong: Yes, sir.

The Chairman: Go ahead, Mr. Sheean.

Mr. Sheean: That is all I wanted to ask, just to get that one point clear.

Mr. Stone: This fifteen miles an hour, Mr. Armstrong, that you speak of, is simply for the purpose of computing overtime?

Mr. Armstrong: Yes, sir.

Mr. Stone: The fact remains that you are a piece worker, and work by the mile, do you not?

Mr. Armstrong: Yes, sir.

Mr. Stone: So much per hour with a minimum of 100 miles for a day's work?

Mr. Armstrong: Yes, sir.

Mr. Stone: That is all.

The Chairman: Mr. Park desires to ask a question.

Mr. Park: Mr. Armstrong, what is the summit of the Kicking Horse Pass?

Mr. Armstrong: I beg your pardon.

Mr. Park: What is the summit of the Kicking Horse Pass, the altitude?

Mr. Armstrong: I could not just exactly tell you. I did know. I think about—I am not certain what the altitude is.

Mr. Park: It is about a mile, isn't it, about a mile high?

Mr. Armstrong: I think it is about five thousand feet. I am not sure.

Mr. Park: Are you acquainted with any of the altitudes of the Trans-Continental lines in the United States?

Mr. Armstrong: No, sir.

Mr. Park: Is Hector the summit?

Mr. Armstrong: No, Stephen.

Mr. Park: Stephen?

Mr. Armstrong: Yes, sir.

Mr. Park: That is the highest point?

Mr. Armstrong: Yes, sir.

Mr. Park: How much did they lengthen the line between Stephen and Field, in making this grade?

Mr. Armstrong: From Hector, about a mile west, the new diversion starts, and they lengthened it about four miles.

Mr. Park: The charter of the road called for a 2.2 per cent grade, the same as the Trans-Continental lines in the States, did it not?

Mr. Armstrong: About that, I think.

Mr. Park: And the reason for changing the grade was to bring it to the same grade as the United States railroads?

Mr. Armstrong: Yes, sir.

Mr. Park: The physical conditions there in this Box Canyon were such that they had to put these tunnels in—

Mr. Armstrong: Yes, sir.

Mr. Park (continuing): —to bring it to that grade?

Mr. Armstrong: Yes, sir.

Mr. Park: Have they retained the old line?

Mr. Armstrong: No, sir.

Mr. Park: Where do the brakemen ride going up this grade?

Mr. Armstrong: Going up?

Mr. Park: Yes, sir.

Mr. Armstrong: Generally on the engines.

Mr. Park: On the old grade, were they required to ride out on top of the train?

Mr. Armstrong: No, sir, only in descending the grade.

Mr. Park: In descending were they required to ride out on top?

Mr. Armstrong: Yes, sir.

Mr. Park: When do you have your snow slides, in the spring, when it is melting?

Mr. Armstrong: At all times.

Mr. Park: Liable to occur at any time in the winter?

Mr. Armstrong: Yes, sir.

Mr. Park: Is that by reason of soft snow?

Mr. Armstrong: In some cases, and in some cases in cold weather. Our most dangerous slides are in cold weather, what are known as dry slides.

Mr. Park: Do you know your average winter temperature there?

Mr. Armstrong: No, I could not say.

Mr. Park: You have in the summer time some very pleasant weather?

Mr. Armstrong: Yes, sir.

Mr. Park: That is in very close to the Canadian National Park, is it not?

Mr. Armstrong: Yes, sir.

Mr. Park: A great many people go there for pleasure?

Mr. Armstrong: Yes, sir.

Mr. Park: There are one or two Trans-Continental roads further north, are there not, in Canada?

Mr. Armstrong: Yes, sir.

Mr. Park: That is all.

Mr. Stone: There is quite a difference, is there not, Mr. Armstrong, between going there for two or three months in the summer time on a pleasure trip, and being compelled to live there year in and year out?

Mr. Armstrong: Yes, sir, quite a difference.

Mr. Shea: Mr. Armstrong, do you consider the deck of a locomotive a pleasure resort?

Mr. Armstrong: I beg your pardon?

Mr. Shea: Do you consider the deck of a locomotive a pleasure resort?

Mr. Armstrong: No, sir.

Mr. Shea: That is all.

Mr. Armstrong: I consider that a man in the mountains, placed in any position in railroad service, more especially on a locomotive; I consider that he is not paid for one-quarter of the services that he renders the railroad company and also the public.

Mr. Stone: That is all.

(Witness excused.)

W. G. JOHNSTON was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: Occasionally, down in the States, Mr. Chairman, we see in one of our papers that a blizzard is on the way from Medicine Hat. This man comes from where they manufacture those blizzards. Mr. Johnston, of the Canadian Pacific Railway, running between Medicine Hat and Swift Current.

Mr. Johnston, at the present time, you are in the employ of the Canadian Pacific Railway?

Mr. Johnston: Yes, sir.

Mr. Stone: What is your occupation?

Mr. Johnston: Engineer.

Mr. Stone: What class of service are you in?

Mr. Johnston: At the present time, I am in helper service and extra passenger service.

Mr. Stone: Are you in service on the mountains?

Mr. Johnston: No, sir, on the prairie. There is a prairie section through there.

Mr. Stone: How long have you been an engineer on the Canadian Pacific Railway?

Mr. Johnston: Twelve years and seven months.

Mr. Stone: Are you a promoted man?

Mr. Johnston: Yes, sir.

Mr. Stone: Did your firing there on that division?

Mr. Johnston: Yes, sir.

Mr. Stone: What class of engine do you run?

Mr. Johnston: We have a Mikado type, 23½ by 32, cylinder, 197,300 pounds on drivers. Also the Pacific type, 21 by 28 inch cylinder, 141,000 pounds on drivers.

Mr. Stone: What type of engine do you use in helper service?

Mr. Johnston: Both types.

Mr. Stone: Just whichever you happen to catch?

Mr. Johnston: Yes, sir.

Mr. Stone: You say it is a prairie country?

Mr. Johnston: Yes, sir.

Mr. Stone: Why do you use helpers in a prairie country?

Mr. Johnston: Because we have hills there.

Mr. Stone: On the prairie?

Mr. Johnston: Yes, sir.

Mr. Stone: What is the length of these hills that you use the helper engines for?

Mr. Johnston: One way would be 15 miles, and the other way 7 miles and one-half.

Mr. Stone: Has the tonnage rating of your freight trains increased since 1910?

Mr. Johnston: Yes, sir.

Mr. Stone: Has this increase been the result of heavier power, or reductions in grade?

Mr. Johnston: Heavier power.

Mr. Stone: How much increase has there been in the train tonnage?

Mr. Johnston: Seven hundred and nine tons eastbound, seven hundred tons westbound.

Mr. Stone: Does the handling of this increased tonnage add to your responsibilities?

Mr. Johnston: Yes, sir.

Mr. Stone: Will you please explain to the Board in what way?

Mr. Johnston: On account of the heavier and longer trains, greater care must be exercised in starting and stopping. Greater care is necessary in the use of the air, and also the handling of the train through sags and on ascending grades.

Mr. Stone: You don't mean ascending grades, do you, you mean descending grades, do you not?

Mr. Johnston: Descending grades, yes.

Mr. Stone: Do you get over the road in the same number of hours now that you did before you had the heavier power?

Mr. Johnston: No, sir.

Mr. Stone: How much longer are you in getting over the road now than you were formerly?

Mr. Johnston: With the present business conditions there, we are from two to three hours longer.

Mr. Stone: Making the same trip that you used to make with the smaller engines?

Mr. Johnston: Yes, sir.

Mr. Stone: What time are you called for service on this road; what time, that is, do you report for duty? The time you are called to report?

Mr. Johnston: They usually call us two hours before the departure time of the train.

Mr. Stone: And you are required to report how long before?

Mr. Johnston: Our schedule says 45 minutes, but we are usually around about an hour and ten minutes before the departure time.

Mr. Stone: For example, if you were in bed tonight and they wanted you for four o'clock tomorrow morning, they would call you at two o'clock?

Mr. Johnston: Yes, sir.

Mr. Stone: And you must be at you engine, under your rules, 45 minutes before four o'clock, or 3:15?

Mr. Johnston: Yes, sir.

Mr. Stone: In this particular case?

Mr. Johnston: Yes, sir.

Mr. Stone: Do you go through these preparatories of getting your engine ready and signing up and all that, the same as these others have spoken of?

Mr. Johnston: Yes, sir.

Mr. Stone: Do you get any compensation for this additional time?

Mr. Johnston: We get an arbitrary allowance of thirty minutes.

Mr. Stone: You are paid for that thirty minutes, independent of any other time earned on that trip?

Mr. Johnston: Yes, sir.

Mr. Stone: At what time do your rules require you to leave the roundhouse and start to couple your train?

Mr. Johnston: Fifteen minutes before the train is due to leave.

Mr. Stone: Do you receive any compensation for that fifteen minutes?

Mr. Johnston: No, sir.

Mr. Stone: In other words, you are paid thirty minutes preparatory time at the roundhouse as an arbitrary allowance?

Mr. Johnston: Yes, sir.

Mr. Stone: And that fifteen minutes between the roundhouse and the train you receive no pay for?

Mr. Johnston: No, sir.

Mr. Stone: What are the weather conditions in your part of the country in winter?

Mr. Johnston: They are bad.

Mr. Stone: You have about six months of winter, do you not?

Mr. Johnston: It gets very cold, and the temperature sometimes falls to 55 below zero. We have severe storms anywhere between the 1st of October and the 1st of April, and I have seen bad storms there in September and May.

Mr. Stone: But usually you figure on winter commencing in October and winding up some time in April?

Mr. Johnston: Yes, sir, we can figure on storms any time between those two periods.

Mr. Stone: And this cold weather, of course, makes it bad in operating a train, in many ways, does it not?

Mr. Johnston: Yes, sir.

Mr. Stone: The trains freeze up on you?

Mr. Johnston: We very often have to take our cars two or three at a time, and warm them up, and keep warming them up until we get our train so we can move it, where we spend thirty-five or forty minutes at the meeting end. We experience a lot of trouble there in the winter months with the air. The air hose freezes stiff, and as the slack runs in and runs out on these trains, while they are running along, the air will set on your train and you are dragging brakes, and sometimes you just have to send a flag out, to get your air hose together again, and get your brake pumped off.

In the severe weather we have quite a lot of trouble from the cab windows freezing from the pops and the whistle, so that

you cannot see ahead. You have got to put your head out of the side cab window to see ahead, to see where you are.

Mr. Stone: Do you usually prepare your engine in the roundhouse before going out?

Mr. Johnston: No, our engines are as a rule turned out for us always.

Mr. Stone: You come down to the roundhouse to get your engine ready, and you find it standing out in front in the winter time?

Mr. Johnston: Yes, sir.

Mr. Stone: It must be a nice job to get an engine ready out in that kind of weather when it is about 55 below?

Mr. Johnston: Well, up in our country, when it gets down that cold we don't have very much wind with it. The worst condition that we have to contend with up there is when it is twenty below zero and a strong wind blowing, if a man comes around after night with a strong wind blowing when it is about twenty below zero, and tries to put a little grease into the side cups, he certainly has an interesting time of it, all right.

Mr. Stone: What are the water conditions on the division on which you run?

Mr. Johnston: Very bad.

Mr. Stone: What do you mean by bad, speaking particularly?

Mr. Johnston: There are foreign substances in the water which are deposited in the boiler and we have to blow the boiler out very often. What I mean by that is, where we pull into a side track we have got to blow our boiler off to know that we have water to make the next water tank.

Mr. Stone: Does your engine have an air blow-off cock, or do you use the old type of hand blow-off cock?

Mr. Johnston: We have a hand blow-off cock. We work it by a lever from the engine.

Mr. Stone: But it frequently happens that your engine and everything is coated with ice?

Mr. Johnston: Yes, it does, and then there is this alkali.

Mr. Stone: Of course the alkali goes with it; but it freezes just as fast as it strikes anything in that temperature?

Mr. Johnston: If we make a second trip for a wash-out

there, it is sometimes almost impossible to handle your train and keep water in the boiler.

Mr. Stone: I suppose this alkali water is inclined to foam like all alkali water is?

Mr. Johnston: Yes, sir.

Mr. Stone: I understood you to say that you were in the helper service, is that correct?

Mr. Johnston: Yes, sir.

Mr. Stone: What rate of pay do you receive for helper service on that road?

Mr. Johnston: We get the through freight rate on whatever class of engine we have.

Mr. Stone: Are you allowed an arbitrary of thirty minutes for preparing the engine in the helper service?

Mr. Johnston: Yes, sir.

Mr. Stone: How about the cost of living in your territory in the last four years; has it increased in any way?

Mr. Johnston: In Medicine Hat, the necessities of life have gone up, I should judge, about 30 per cent, and the price of meals on the road has advanced, I should judge, about 30 per cent, anywhere from 20 to 30 per cent, the price of meals.

Mr. Stone: That is, at the same boarding houses that you had three or four years ago, the price has gone up that amount?

Mr. Johnston: Yes, sir.

Mr. Stone: In that extremely cold weather it is almost impossible for a man to dress to keep warm, isn't it?

Mr. Johnston: Yes. You take it there in the wintertime, after the coal gets down below the coal gate, running along, and the wind sweeping over the cab, and down into the cab, there are lots of times that you don't know whether your legs are paralyzed or whether they are frozen, or what is wrong. Your legs get so cold that when you get up to walk around, very often you don't know whether you are going on a pair of stumps, or what you are on.

Mr. Stone: I think that is all, Mr. Johnston.

CROSS EXAMINATION.

Mr. Sheean: How old are you, Mr. Johnston?

Mr. Johnston: My age?

Mr. Sheean: Yes.

Mr. Johnston: I am thirty-nine.

Mr. Sheean: And you have been an engineer for twelve years and seven months?

Mr. Johnston: Yes, sir.

Mr. Sheean: At what age did you begin firing?

Mr. Johnston: I started firing when I was about sixteen.

Mr. Sheean: And fired constantly, or did you lay off and come back again?

Mr. Johnston: I did not start firing on the Canadian Pacific first.

Mr. Sheean: Well, when did you enter the employ of the Canadian Pacific?

Mr. Johnston: In 1898, October, 1898.

Mr. Sheean: As a fireman?

Mr. Johnston: Yes, sir.

Mr. Sheean: Have you worked for them ever since?

Mr. Johnston: Yes, sir.

Mr. Sheean: And, how long after you began as a fireman there was it before you were promoted to the position of engineer?

Mr. Johnston: I was promoted in May, 1902.

Mr. Sheean: That was between three and four years after you started to work there?

Mr. Johnston: Yes, sir.

Mr. Sheean: And, under their rules, you were required to fire for three years before you were eligible for examination?

Mr. Johnston: I don't know that that applied to hired firemen. We did not have that rule then.

Mr. Sheean: Didn't have that rule at that time?

Mr. Johnston: No.

Mr. Sheean: During the last year, isn't it true that the greater part of your earnings have been as a passenger engineer?

Mr. Johnston: Yes, sir.

Mr. Sheean: And that has been on the run between Swift Current and Medicine Hat?

Mr. Johnston: Also between Medicine Hat and Lethbridge.

Mr. Sheean: Two years ago what were you doing?

Mr. Johnston: Two years ago now?

Mr. Sheean: Yes. I mean when did you get to be an extra passenger engineer?

Mr. Johnston: Well, I have been doing this work that I am in at the present time since the 28th of August, this year.

Mr. Sheean: And since August 28th you have been in the helper service, as extra passenger engineer, doing extra passenger work as well?

Mr. Johnston: Yes, sir.

Mr. Sheean: Now, where is this helper district on which you have worked since?

Mr. Johnston: Right out of Medicine Hat, both ways.

Mr. Sheean: In both directions?

Mr. Johnston: Yes, sir.

Mr. Sheean: And covering about what distance?

Mr. Johnston: Well, when we help trains going west, we go to a place called Bowell that is fifteen miles. Sometimes the company runs us over to Suffield, which is twenty-five miles, to help somebody in the other direction coming in, coming east bound. When we go east, we go seven and a half miles to Dunmore.

Mr. Sheean: How many men are there in that helper service there?

Mr. Johnston: When I left there, there were four.

Mr. Sheean: Four engine crews?

Mr. Johnston: Yes, sir.

Mr. Sheean: Do they also protect the passenger board there—passenger service?

Mr. Johnston: Yes, sir.

Mr. Sheean: And they work first in and first out?

Mr. Johnston: They do on the helper service, yes.

Mr. Sheean: On the helper?

Mr. Johnston: Yes.

Mr. Sheean: And the one who happens to draw any passenger run will be the one first out when a passenger vacancy occurs?

Mr. Johnston: No, sir.

Mr. Sheean: Or a passenger man lays off?

Mr. Johnston: No, sir.

Mr. Sheean: How is that handled?

Mr. Johnston: The oldest man on the job, he gets the passenger work.

Mr. Sheean: Takes the passenger work until the regular passenger man comes back?

Mr. Johnston: Yes, sir.

Mr. Sheean: On this run between Swift Current and Medicine Hat, what is the distance there?

Mr. Johnston: 147 miles.

Mr. Sheean: What is the running time of the passenger trains that you run there?

Mr. Johnston: Well, there are two different trains, numbers 1 and 2, and numbers 3 and 4.

Mr. Sheean: Well, take the time on each of them—on 1 and 2.

Mr. Johnston: I never made a trip on 1 and 2, and I haven't got the time card by memory. I can give you the time of 3 and 4.

Mr. Sheean: Well, 3 and 4.

Mr. Johnston: Number 4. When we are called to go out on number 4, we are ordered for 9:10 in the evening, and we leave Medicine Hat at 9:35 and we arrive at Swift Current at 2:35.

Mr. Sheean: You leave at 9:35?

Mr. Johnston: Yes, sir, but we are called to report for duty at 9:10. That is the time we are called for.

Mr. Sheean: But the leaving time is 9:35?

Mr. Johnston: Yes, but we report for duty at 9:10.

Mr. Sheean: Well, then, the arriving time is what?

Mr. Johnston: 2:35, at Swift Current.

Mr. Sheean: And what time are you relieved there?

Mr. Johnston: After we make an inspection of our engine and register in and put in our trip tickets and another form that we have to put in, what is called 1954-A, and, if we have any work to book, we have got to book the work.

Mr. Sheean: Then, on the return trip, coming back—that is number 3, is it?

Mr. Johnston: Yes, sir.

Mr. Sheean: What is the leaving time of number 4?

Mr. Johnston: Number 3.

Mr. Sheean: I thought you said this was number 3.

Mr. Johnston: No, that is number 4.

Mr. Sheean: Then, number 3 is what time?

Mr. Johnston: We are called for 6:45 in the morning.

Mr. Sheean: 6:45 in the morning?

Mr. Johnston: Yes, sir.

Mr. Sheean: What time does that arrive?

Mr. Johnston: She arrives at 6:45.

Mr. Sheean: I mean at the end of your run.

Mr. Johnston: She arrives at 12 o'clock.

Mr. Sheean: 12 o'clock?

Mr. Johnston: Yes, sir.

Mr. Sheean: Is 6:45 the leaving time?

Mr. Johnston: No, sir.

Mr. Sheean: What is the leaving time?

Mr. Johnston: 6:55.

Mr. Sheean: 6:55?

Mr. Johnston: Yes, sir.

Mr. Sheean: Is that ordinarily run in that way, leaving at 9:10 and doubling right back, or do you lay over a day?

Mr. Johnston: Unless you get down too late to catch your train.

Mr. Sheean: I don't quite understand what you mean.

Mr. Johnston: The crew that comes down on number 4 at night, if they do not get down there in time to catch number 3 back, they have to lay over or come back on a freight.

Mr. Sheean: What I mean is, leaving at 9:10 tonight, and arriving at 2:35 tomorrow morning, is it the practice to come back tomorrow morning or Wednesday morning?

Mr. Johnston: Tomorrow morning.

Mr. Sheean: Then, getting back at noon here tomorrow, when would the next start out at 9:10 be?

Mr. Johnston: They would be called for number 4 the next night, at 9:10.

Mr. Sheean: That is, Wednesday night, in case you get back at noon tomorrow?

Mr. Johnston: Yes, sir.

Mr. Sheean: You would be here from noon Tuesday until 9:10 Wednesday evening?

Mr. Johnston: Yes, sir.

Mr. Sheean: Now, for that trip, leaving here at 9:10 tonight and getting back tomorrow night at midnight, what does that run pay?

Mr. Johnston: No, we get back in the middle of the day.

Mr. Sheean: Getting back at noon tomorrow?

Mr. Johnston: Yes.

Mr. Sheean: Leaving here at 9:10 tonight and getting back at noon tomorrow, what does that round trip pay?

Mr. Johnston: I have never figured up just what one trip would pay.

Mr. Sheean: Assuming there would not be any overtime.

Mr. Johnston: We get $4.65 a hundred miles; we make 304 miles on the round trip, with our preparatory time.

Mr. Sheean: It would be 304 times 4.65?

Mr. Johnston: Yes, sir. That includes our preparatory time.

Mr. Sheean: But you haven't kept any particular count of what the run has paid from month to month?

Mr. Johnston: I can get it for you in the morning if you would like it, just what a man makes on that run.

Mr. Sheean: What is it?

Mr. Johnston: I can give it to you in the morning, just what a man makes on that run. I have it over at the hotel.

Mr. Sheean: But have you a record of just what the run itself pays per month?

Mr. Johnston: Around about $210 a month.

Mr. Sheean: About $210 a month?

Mr. Johnston: Yes, sir.

Mr. Sheean: If it is run in the way described here, there would be a lay-over from noon on one day until 9 o'clock the next night on alternate days?

Mr. Johnston: Yes, sir.

Mr. Sheean: Throughout the month?

Mr. Johnston: Yes, sir.

Mr. Sheean: Is the traffic on this district that you have described here uniform in both directions?

Mr. Johnston: No, sir.

Mr. Sheean: Which way is it heaviest?

Mr. Johnston: Eastbound.

Mr. Sheean: What is it?

Mr. Johnston: Eastbound.

Mr. Sheean: Eastbound the heaviest?

Mr. Johnston: Yes, sir.

Mr. Sheean: Now, as to the change on the tonnage rating

between 1910 and the present time, when were those changes made?

Mr. Johnston: The new power started to arrive there in August, 1913, to replace the smaller engines.

Mr. Sheean: That power which was put on this division in August, 1913, is the class of power which was provided for in the schedule of the Canadian Pacific?

Mr. Johnston: No, sir.

Mr. Sheean: It had not been in use on any other division before that time?

Mr. Johnston: Not this particular power.

Mr. Sheean: It took a new and different rate from anything that was in the Canadian Pacific schedule before?

Mr. Johnston: No, the same rate that we had for the smaller engine applied on the heavier engines, on this new power.

Mr. Sheean: What was the weight on drivers?

Mr. Johnston: Of the new engines?

Mr. Sheean: Yes.

Mr. Johnston: 197,300 pounds.

Mr. Sheean: 197,300 pounds?

Mr. Johnston: Yes.

Mr. Sheean: And there were no engines of that weight or that rating on any of the other divisions, before August, 1913?

Mr. Johnston: There were engines of the same rate on other divisions, yes.

Mr. Sheean: And the same weight on drivers?

Mr. Johnston: No, sir.

Mr. Sheean: What were the other engines and what were their weights, that took the same rates on other divisions?

Mr. Johnston: They had engines over on the Curtis-Columbia division, and I believe on the Crow's Nest division, or the Alberta division,—I couldn't give you the weights on drivers, at least for those particular engines, though; I haven't got them.

Mr. Sheean: You haven't the weights on drivers?

Mr. Johnston: No.

Mr. Sheean: Of the ones which take the same rates as these?

Mr. Johnston: No, but you must understand that we did not have those engines on our division.

Mr. Sheean: No, not until August, 1913.

Mr. Johnston: No, sir.

Mr. Sheean: But, under the settlement of 1910, there was provision made as to the rates of pay on engines that might be put in use upon the different roads or different divisions?

Mr. Johnston: Not to cover this particular engine, no.

Mr. Sheean: That is, it did not specifically cover that engine?

Mr. Johnston: No, sir.

Mr. Sheean: The movement of 1910 made provision, wherever they got up to or above 215,000 pounds on drivers,—made that the dividing point for another rate, did it not?

Mr. Johnston: I am not in a position to answer that question. I believe it did, though. I would not be sure as to the exact weight, but there is a provision made.

Mr. Sheean: Now, on the Canadian Pacific schedule, previous to that movement, there were provisions made as to the rates on different engines, as to what they would take, no matter on what division they might be? That is to say, your classification fixed certain prairie, valley and mountain divisions, and provided for the rates of engines based upon a percentage, the way you Canadian Pacific men figure, did it not?

Mr. Johnston: That was just to cover the engines that we had in service.

Mr. Sheean: Is it not true that the Canadian Pacific as to its schedule, has designated certain engines as 100 per cent engines?

Mr. Johnston: Yes, sir.

Mr. Sheean: And, then, others, a percentage above or below?

Mr. Johnston: Yes, sir.

Mr. Sheean: And that is based upon the tractive power of the engine?

Mr. Johnston: I believe it is. They struck a hundred per cent, I know.

Mr. Sheean: Mr. Johnston, I would not attempt to go into what the details are, but all I am getting at is that under the Canadian Pacific schedule, as it existed at the time these

engines came over on your division, in August, 1913, there was no difficulty in determining from what schedule what rate applied to those engines, was there?

Mr. Johnston: No, we had no rate to cover them; not to cover that particular engine.

Mr. Sheean: Well, not to cover it by weights on drivers, but didn't you have a rate in the schedule, providing that engine went into service, so that you could figure out what rate that engine would take?

Mr. Johnston: We applied our Consolidation rate to her, to that particular class of engine. We were running engines that were hauling 60 per cent less tonnage; running these big engines and engines hauling 60 per cent less for the same money.

Mr. Sheean: What I mean, Mr. Johnston, is this, that when these engines came to your division in August, 1913, the Local Committee and the management of the Canadian Pacific Railway Company, taking the schedule and the engine, could determine from the schedule and from the engine, what rate applied to it? You did not have to go out and build a new schedule?

Mr. Johnston: We just applied our Consolidation rate to that particular type of engine.

Mr. Sheean: Was that because these were rated with the same percentage as the engines that they had before?

Mr. Johnston: No, they were a higher percentage than any that we had on our division, that is to stay there. We had had heavy power go over our division but not to remain there.

Mr. Sheean: Not to remain there?

Mr. Johnston: Not to remain there.

Mr. Sheean: Well, the basis of rating these engines, or the percentage rating that these engines took, was the same as other engines on other parts of the system?

Mr. Johnston: Well, I don't know. I am not acquainted on the other parts of the system. All I know about is my own territory.

Mr. Sheean: Mr. Johnston, let me ask you this, and perhaps I can determine whether to go on with these questions. Are you the Local Chairman of this particular division?

Mr. Johnston: Yes, sir.

Mr. Sheean: And when these engines arrived in August, 1913, did you take up with the officials, as to what rate was applicable for them?

Mr. Johnston: No, I haven't got the authority to take up rates of pay with the officials. That is referred to our general chairman.

Mr. Sheean: Referred to your general chairman?

Mr. Johnston: Yes.

Mr. Sheean: Was the question, then, referred to your general chairman?

Mr. Johnston: Yes, sir.

Mr. Sheean: As to what rates these engines installed in August, 1913, should take under the schedule?

Mr. Johnston: I cannot just recall everything that passed between our office and the general chairman, but I believe there was something about that, about taking it up.

Mr. Sheean: And it was not necessary to build a new schedule, or make any special provision; the General Chairman and the management, under the schedule of the Canadian Pacific, applied a certain rate to this engine?

Mr. Johnston: No, we just got the same rate as we had for the small Consolidation engine.

Mr. Sheean: But, I say that was the result—

Mr. Johnston: No, there were no negotiations at all, I don't think; I am positive there were not.

Mr. Sheean: Did the General Chairman take it up at all.

Mr. Johnston: There was nothing to take up until we got a new agreement.

Mr. Sheean: That is the whole point I am trying to make, Mr. Johnston; I am trying to ascertain whether or not, under the then agreement and the present agreement, the engines which went into the service in August, 1913, found a place into which they fitted in that schedule?

Mr. Johnston: No, there was no place provided in the schedule for that particular type of engine.

Mr. Sheean: There was no specific provision that 198,000 pounds on drivers should take any special rate, that is what you mean, is it?

Mr. Johnston: Yes, sir.

Mr. Sheean: And the classification, based on a division at

198,000 pounds on drivers, or at 200,000 pounds on drivers, was not found in the Canadian Pacific schedule then, and is not found there now?

Mr. Johnston: No.

Mr. Sheean: What has your observation been, or just what facts or what period of operation have you in mind, when you make the statement that, on that division, the trains are on the road longer now, than they were in 1910?

Mr. Johnston: Well, the trains are longer and they are harder to get over the road, especially in the winter months. The more cars you have in the winter time, why, the longer you are going to be getting started out of a side track, after you have been there a space of time.

Mr. Sheean: What was the length of time on this particular division in 1910, with the trains and with the power they operated with in 1910?

Mr. Johnston: Westbound, we used to make the division with our Coast, or with our fast freights in those days, in eight or nine hours.

Mr. Sheean: With your fast freight?

Mr. Johnston: Yes, sir, and very often with our drag freight, too.

Mr. Sheean: 147 miles?

Mr. Johnston: Yes, sir.

Mr. Sheean: What was the tonnage of those trains?

Mr. Johnston: The tonnage eastbound was 2,000 tons; westbound, 1,850 tons, but it wasn't very often that we got our full tonnage westbound.

Mr. Sheean: And the full tonnage westbound is not very often obtained now, is it?

Mr. Johnston: No, because they cannot get their cars in on their sidings that they have. Their sidings are too short.

Mr. Sheean: Then, as a matter of fact, although they have a nominal tonnage there that is larger, they cannot, in practical operation, carry that tonnage?

Mr. Johnston: Not westbound, when they are hauling empties.

Mr. Sheean: What is the length of time that you have observed, as being the operation in October, 1913, when this demand was presented?

Mr. Johnston: October, 1913?

Mr. Sheean: Yes, as to the length of time that it took to make that run of 147 miles.

Mr. Johnston: In October, 1913, we were anywhere from twelve to thirty hours.

Mr. Sheean: From twelve to thirty hours?

Mr. Johnston: Yes.

Mr. Sheean: Now, just give me one of those trips that took thirty hours; what time you started at any particular point?

Mr. Johnston: I wasn't on through freight at that particular time. I can get you that in the morning, though. I have it in the hotel.

Mr. Sheean: A thirty hour trip?

Mr. Johnston: Yes, a thirty hour trip.

Mr. Sheean: Give me all the thirty hour trips you have since October, 1910, or since August, 1913, when this heavier power was put in.

Mr. Johnston: Since August?

Mr. Sheean: Yes; you have a record of all of those?

Mr. Johnston: No, I have not.

Mr. Sheean: Have you any of the records as to a trip made in eight hours?

Mr. Johnston: Since 1913?

Mr. Sheean: Yes.

Mr. Johnston: No, I have not. I can look over what I have there, however. I have got all of one man's record, all the trips he has made since that time.

Mr. Sheean: All the trips made by him?

Mr. Johnston: Yes.

Mr. Sheean: You have not attempted to make any average as to what, during a month's operation, or during a year's operation, has been the length of time it has taken or has averaged any man in making that trip over that district?

Mr. Johnston: No, not an average for the year.

Mr. Sheean: I think that is all, Mr. Johnston.

RE-DIRECT EXAMINATION

Mr. Stone: You speak of thirty hour trips. There is no Hours of Service law in Canada?

Mr. Johnston: No, sir.

Mr. Stone: They can keep you on duty as long as they choose?

Mr. Johnston: Yes, sir.

Mr. Stone: Is there anything in your agreement that specifies men shall be released after being so many hours on duty?

Mr. Johnston: We can book rest after we have been fifteen hours on duty.

Mr. Stone: That is, you can book rest after you get in?

Mr. Johnston: No, we can book it on the road, for rest.

Mr. Stone: You can?

Mr. Johnston: Yes, sir.

Mr. Stone: At any point?

Mr. Johnston: Yes, sir. We have got to notify the chief train despatcher.

Mr. Stone: How many hours in advance?

Mr. Johnston: Well, any time after you are fifteen hours on duty.

Mr. Stone: For example, if you wanted to tie up out in the middle of the road with some important train, how many hours advance notice would you have to give the train despatcher?

Mr. Johnston: Well, there is nothing in our schedule that says we have to give them any notice in advance, but we usually do.

Mr. Stone: Is it not a fact that regardless of the hours it is kind of the unwritten law that the men had better try to get in?

Mr. Johnston: Everybody there, as a rule, tries to get over the division, yes.

Mr. Stone: Thirty hours isn't anything uncommon for being on duty in the winter months, is it?

Mr. Johnston: No, sir.

Mr. Stone: You find some have been on duty even longer than that?

Mr. Johnston: Yes, we have had them on duty there as high as fifty or sixty hours.

Mr. Stone: Coming back to that question of the rate for the Mikado, the fact remains that they just simply applied the rate to that, for the Consolidation engine that you had in service before that?

Mr. Johnston: Yes, sir.

Mr. Stone: And you got no increased rate for the Mikado?

Mr. Johnston: None whatever.

Mr. Stone: Although she was handling about 45 per cent more tonnage?

Mr. Johnston: She was handling 60 per cent more than the small Consolidation engines we used to have on that division, years ago.

Mr. Stone: What is the rate you are getting, $5.40?

Mr. Johnston: $5.30.

Mr. Stone: $5.30?

Mr. Johnston: Yes, sir.

Mr. Stone: So the company has had the benefit since August, 1913, of this engine with an increased tractive power of 60 per cent more than the other engine, being operated for the same money?

Mr. Johnston: Yes, sir.

Mr. Stone: So far as the engineer and fireman were concerned?

Mr. Johnston: Yes, sir.

Mr. Stone: Coming back to the rating of your engines, your engines are all rated by percentage?

Mr. Johnston: Yes, sir.

Mr. Stone: An engine is either 100 per cent, or 125 per cent, or 135 per cent, and so on?

Mr. Johnston: Yes, sir.

Mr. Stone: But that percentage rating is based on the tractive power of the engine, is it not?

Mr. Johnston: I believe it is.

Mr. Stone: Which really in the end comes back to the weight on the drivers?

Mr. Johnston: Yes, sir.

Mr. Stone: Because it means the same thing?

Mr. Johnston: It is practically the same thing.

Mr. Stone: How many engineers are on the seniority roster on your division?

Mr. Johnston: About 350. I wouldn't say for sure; about 350.

Mr. Stone: About 350?

Mr. Johnston: Yes.

Mr. Stone: How many engineers in passenger service on that seniority district?

Mr. Johnston: Well, I am 59th on the seniority roster and I cannot hold a passenger run, and there are older men than me that haven't got passenger runs.

Mr. Stone: So, there are not probably to exceed fifty all told?

Mr. Johnston: I think fifty would cover it.

Mr. Stone: About fifty men all told in passenger service, out of a total of three hundred and fifty engineers?

Mr. Johnston: Yes, sir.

Mr. Stone: I think that is all.

RE-CROSS EXAMINATION.

Mr. Sheean: Mr. Johnston, how long before this last August did you have and hold a passenger run?

Mr. Johnston: How long?

Mr. Sheean: Yes.

Mr. Johnston: Well, I lost my run last February and I was on the helper from February until the first of June. I held a passenger run from June until the end of August.

Mr. Sheean: Before July, 1913, say, how long before that had you had a passenger run?

Mr. Johnston: Since 1911 I have been kind of up and down all the time. I would have a passenger run for a while and then be back on the helper for a while.

Mr. Sheean: Since 1911?

Mr. Johnston: Yes, sir.

Mr. Sheean: What have your earnings run during that time, from 1911 down to this last August, 1914? About how much a month?

Mr. Johnston: I haven't got a record of it.

Mr. Sheean: Well, the run itself that you described there paid something over $200 a month, if you had held it right along?

Mr. Johnston: What run?

Mr. Sheean: The run between Swift Current and Medicine Hat.

Mr. Johnston: Yes, sir.

Mr. Sheean: On that run you have made a full month, haven't you?

Mr. Johnston: Yes, sir.

Mr. Sheean: You have kept no record of how much you have earned since 1911 down to August, 1914?

Mr. Johnston: No, sir.

Mr. Sheean: Or how much a month you have averaged?

Mr. Johnston: No.

Mr. Sheean: It has run above $1,600 or $1,700 or $1,800 right along, hasn't it?

Mr. Johnston: I think $1,6000 would be about the average.

Mr. Sheean: About an average of $1,600?

Mr. Johnston: Yes.

Mr. Sheean: Now, in August, 1914, about the time of the European war, the business on the Canadian Pacific was entirely a different kind of business than what they were doing before, as to volume and extent, was it not?

Mr. Johnston: Yes, sir, very much so.

Mr. Sheean: The operations since August, 1914, are not at all fairly comparable with what the operations were in October, 1913?

Mr. Johnston: No, sir.

Mr. Sheean: In October, 1913, when this request for increases was made, you were earning about $200 a month, were you not?

Mr. Johnston: I had the opportunity to earn about $200 a month, if I worked all the time.

Mr. Sheean: If you worked twenty-six days a month you would earn up to $200 a month?

Mr. Johnston: I would have to work thirty days, that is, on the passenger run.

Mr. Sheean: Well, on a passenger run, if you worked the thirty days, how much would it pay?

Mr. Johnston: At that time I stood for the run on Crows Nest, between Medicine Hat and Lethbridge, and I think that run pays about $190 per month, for a full month.

Mr. Sheean: On that particular run that you stood for at that time, how long is that; in what length of time per day do you make it?

Mr. Johnston: There were three men on two runs over there. We left Medicine Hat like this morning at 11:05, and we arrived at Lethbridge at 4:25, a distance of 116 miles.

Mr. Sheean: That is, leaving at 11:05 this morning and arriving at 4:25 this afternoon?

Mr. Johnston: Yes, sir.

Mr. Sheean: Then, when did you start on your return trip?

Mr. Johnston: We would be ordered for 12:40 at night.

Mr. Sheean: 12:40 at night?

Mr. Johnston: Yes.

Mr. Sheean: And get back at—

Mr. Johnston: 4:45 the same morning, that is, tomorrow morning.

Mr. Sheean: Tomorrow morning at 4:45?

Mr. Johnston: Yes.

Mr. Sheean: Then, when would you go on duty again?

Mr. Johnston: We would be called that night at 11:40, and get into Lethbridge at 4:25 in the morning.

Mr. Sheean: And on the return trip from there,—

Mr. Johnston: We would be called the next day, I think it was 2:05 in the afternoon, and we would arrive at Medicine Hat at 6:10.

Mr. Sheean: And each of the three men running that run in that way would make—

Mr. Johnston: First in and first out.

Mr. Sheean: Would make $195 a month.

Mr. Johnston: No, I said $190.

Mr. Sheean: $190 a month?

Mr. Johnston: Yes, sir.

Mr. Sheean: Now, in August, 1913, a man standing 59th on the seniority list on that district, had that opportunity of selecting a run which did run thirty days every month, and paid him $190 a month?

Mr. Johnston: I wasn't fifty-ninth on the seniority list in 1913.

Mr. Sheean: Well, where were you then?

Mr. Johnston: Well, I think I was two or three places above that.

Mr. Sheean: How have you dropped back since then?

Mr. Johnston: I was sixty-first or sixty-second.

Mr. Sheean: You were below instead of above, weren't you?

Mr. Johnston: Yes.

Mr. Sheean: A man who was down there, and above whom there were sixty or sixty-one others who could select better runs than that—

Mr. Johnston: No, no—

Mr. Sheean: Had first choice of those runs?

Mr. Johnston: No, sir. All the runs on the Alberta division do not pay $200 a month.

Mr. Sheean: No, possibly not, in money; but the people above you on the list could take them, for any reason, perhaps shorter miles or less hours—maybe have to work only three or four hours per day.

Mr. Johnston: Not out of our station

Mr. Sheean: But on the division over which this seniority extends?

Mr. Johnston: We are tied down by seniority rules that, when we get a passenger run there, we cannot go anywhere else; we have got to stay there.

Mr. Sheean: That is, having selected that particular passenger run?

Mr. Johnston: As long as we can hold a passenger run out of Medicine Hat, we could not go anywhere else and take a passenger run. We cannot select our passenger run anywhere else on the Alberta division.

Mr. Sheean: Standing sixty-one or sixty-two on the list, in October, 1913, and there being sixty or sixty-one men who had the choice of runs prior to you, at that time you could make a choice—you had a position where, at that time you could select a run which regularly paid about $190 a month?

Mr. Johnston: Yes, sir, I had a run that paid about $190 a month at that time; that is, if I worked steady.

Mr. Sheean: And the matter of whether you worked steady or not was of your own election?

Mr. Johnston: Yes, sir.

Mr. Sheean: And there was no obligation at any time to continue working from day to day if you wanted to lay off one day, or two days, or two weeks?

Mr. Johnston: Oh, no, not always.

Mr. Sheean: What is it?

Mr. Johnston: We could not always get off when we wanted to, at that time.

Mr. Sheean: Was that because the size of the spare boards which the men maintained was so small that it might impair the service?

Mr. Johnston: Well, general conditions—the conditions there changed in 1913 considerably.

Mr. Sheean: Well, Mr. Johnston, whether you could get off any particular time was dependent on whether or not the spare board was able to take care of the business of the company?

Mr. Johnston: Yes, sir.

Mr. Sheean: And the size of the spare board is regulated by the mutual agreement between the men and the company?

Mr. Johnston: It was a matter sometimes of how many spare men they needed, or extra men.

Mr. Sheean: And, how many the engineers and firemen would provide or agree to have upon the spare board, or extra list?

Mr. Johnston: At that time, we never placed any restriction on the number that we had, as long as the men were making their living. It is since the depression has come that we have asked the boards to be reduced.

Mr. Sheean: The boards to be reduced?

Mr. Johnston: Yes.

Mr. Sheean: A reduction of the board increases the earnings of the men, doesn't it?

Mr. Johnston: Yes. As soon as times are good you do not need the board reduced.

Mr. Sheean: The number of men in the pool determines how much each one shall have—dividing the earnings of that particular pool?

Mr. Johnston: Well, we haven't got a pool on our road.

Mr. Sheean: You call them spare boards, do you not?

Mr. Johnston: Extra boards, yes.

Mr. Sheean: And the size of that extra board, as to how many men shall be on the extra board, is arranged by mutual conference between the organization and the company?

Mr. Johnston: Yes. We have a say in how many men will be maintained on that extra board.

Mr. Sheean: And, you did at that time, and always have had a say as to how many men should be maintained there?

Mr. Johnston: At that time the company had all the men that they could get hold of, because men were hard to get right at that time.

Mr. Sheean: Well, I am not questioning the size at any particular time, Mr. Johnston, but simply trying to ascertain whether or not the number of men on the extra board is not passed upon by the men, in connection with the company.

Mr. Johnston: Well, about the only time the men have anything to say about it is when we want it reduced.

Mr. Sheean: And a reduction of it means when you come in and say to the company, to turn so many men adrift, to cut the board, to keep up the earnings of the rest of you?

Mr. Johnston: They do not always do it.

Mr. Sheean: No, they do not always do it. The only request that you men make is to cut the board and turn some of them aside without anything to do, so as to make the earnings of the remainder larger.

Mr. Johnston: We do not try to do it or do it unless we are forced to.

Mr. Sheean: Do I understand the only point raised by you is the cutting of the Board, the reduction of the Board, so as to make the earnings higher of those who remain?

Mr. Johnston: Very often we ask them to place men on the board. That depends largely on whether they can get the men or not.

Mr. Sheean: When was the request made, at any time, for the placing of more men on the extra board?

Mr. Johnston: Once, in October, 1913, the master mechanic asked me if I would try to induce some of the engineers who had booked off; two or three booked off, sick, and one or two had booked off to rest, to try to get them to book out. I told him the best thing he could do was to either promote more men or hire men. He said he could not get them.

Mr. Sheean: Was that a month while you were laying off?

Mr. Johnston: I could not remember whether I was laying off that month or not. I was working the day that he asked me, anyhow.

Mr. Sheean: He asked you to try to persuade some of those who had booked off for rest, to come back and help out?

Mr. Johnston: Yes, sir. He was stuck for men at that particular time.

Mr. Sheean: Is that the only instance you remember of suggesting that the board be increased?

Mr. Johnston: Oh, I think there were several times there, during that period, there was more than me asked them to get more men.

Mr. Sheean: That was in October, 1913?

Mr. Johnston: October and November.

Mr. Sheean: October and November, 1913?

Mr. Johnston: Yes, sir.

Mr. Sheean: Now, Mr. Johnston, coming for a moment to this Consolidation or Mikado engine, is it not a fact that all the Consolidations on the Canadian Pacific, take this rate of $5.30, irrespective of the weight on drivers?

Mr. Johnston: Yes, sir.

Mr. Sheean: So that, in the way that the operations were conducted in August, 1913, the rate of $5.30 was established for the Consolidations, no matter what their weights on drivers?

Mr. Johnston: That was established at the last concerted move.

Mr. Sheean: The last concerted movement?

Mr. Johnston: Yes. sir.

Mr. Sheean: As a result of the request which the engineers made at that time, in which they made no distinction between weights on drivers between Consolidation engines, unless they went above 215,000 pounds. All Consolidations were classified by the engineers as taking a uniform rate?

Mr. Johnston: Yes, all Consolidation engines, I believe.

Mr. Sheean: And when you spoke of the 60 per cent increase in the tractive power of the Mikados over the Consolidations, were you comparing Consolidations of the same weight on drivers as the Mikados, or were you comparing smaller Consolidations with big Mikados?

Mr. Johnston: We have no Consolidations over there, I don't think, as heavy as our Mikados.

Mr. Sheean: Well, when speaking of the increase in tractive power, what weight on drivers of Consolidation engines were you comparing with the Mikados, and what sizes and dimensions?

Mr. Johnston: Do you mean the class of Consolidation that we used to run on our division?

Mr. Sheean: Where you said, or where Mr. Stone said, and I thought you assented to his statement, that there had been an increase of 60 per cent in the tractive power of the Mikado over the Consolidation.

Mr. Johnston: The class of engines that we used to have there, were small Consolidation engines and they used to be rated at 150 per cent.

Mr. Sheean: Used to have there when, down to what time?

Mr. Johnston: Up to 1906.

Mr. Sheean: About what was the weight on drivers of that Consolidation?

Mr. Johnston: I could not tell you.

Mr. Sheean: Can you give us any idea about it?

Mr. Johnston: No. I should judge around one hundred and thirty-nine or maybe one hundred and forty thousand pounds. I wouldn't be sure of it, though.

Mr. Sheean: It has been the practice for some time upon the Canadian Pacific, has it, that trains may be laid up for engineers to obtain rest between terminals, when they have been fifteen hours on duty.

Mr. Johnston: We have that in our schedule, yes.

Mr. Sheean: So that, it is left entirely optional with the engineers as to whether or not they will continue after the expiration of the fifteen hours?

Mr. Johnston: Well, the fireman generally gets tired before the engineer does.

Mr. Sheean: The same provision is in the Firemen's schedule, isn't it?

Mr. Johnston: I don't know anything about the Firemen's schedule.

Mr. Sheean: Well, it is a fact that if one member of a crew exercises the option that is given him by the schedule, and ties the train up, the crew, of course, ties up, anywhere between terminals.

Mr. Johnston: No, sir. I think if you tied up with one of those big engines at 45 degrees below zero, all the rest you get, watching those engines, won't be very much good to you. If you go to sleep the engine will freeze up on you.

Mr. Sheean: The fact is, that whether it shall be tied up and at what point it shall be tied up, whether it shall be at a place where there may be rest, is left, under the provision of the schedule with the Canadian Pacific, with the engineer to determine?

Mr. Johnston: Well, we haven't got any places provided along the road, and you take, coming along there after 12 o'clock at night, there is no place you can get rest, unless you go back in the caboose; and there are three little bunks up there, and the train crew generally goes to bed, if any member of the engine crew ties up, and we have got to crawl in with one of those fellows, and there isn't room in a bunk four feet wide for two men.

Mr. Sheean: The fact remains, that whether you shall or shall not tie up, is left optional with the engineer, after the expiration of fifteen hours, isn't it?

Mr. Johnston: Yes, it is optional with him, whether he does or not.

REDIRECT EXAMINATION.

Mr. Stone: Coming back to that question about tying up, is it not the fact that there is quite a coercion that stands back of the whole thing, that you had better get into your terminal?

Mr. Johnston: No, we have never felt that on our road.

Mr. Stone: If Bill Smith comes in to the terminal, doesn't Tom Jones feel that it is the best thing for him to do to come in?

Mr. Johnston: They have never tried to do anything like that with us up there.

Mr. Stone: You always try to get in?

Mr. Johnston: Yes.

Mr. Stone: Is it a fact you did earn $200 a month last summer?

Mr. Johnston: Yes, sir.

Mr. Stone: After thirteen years that company?

Mr. Johnston: Yes, sir.

Mr. Stone: Do you consider that adequate pay for a man working in that country under the climatic conditions that you endure?

Mr. Johnston: No, sir.

Mr. Stone: That is all.

The Chairman: We will take an adjournment until 10 o'clock tomorrow morning.

(Whereupon, at 5 o'clock P. M. an adjournment was taken until 10 o'clock A. M., December 15, 1914.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Ill., December 15, 1914.

Met pursuant to adjournment at 10:00 o'clock A. M.
Present: Arbitrators and parties as before.

The Chairman: Proceed, gentlemen.

Mr. Stone: I will ask Mr. Johnston to return to the stand for just a moment. Last night the counsel for the defense asked in regard to men being in continuous service thirty hours or more. I will ask Mr. Johnston to come back to the stand for just a moment to corroborate his statement of last night.

W. G. JOHNSTON was recalled for further examination and, having been previously sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: Last night, Mr. Sheean asked you to produce any tickets, if you had any in your possession, where a man had been on duty thirty hours or more, in continuous service. Have you any of those tickets?

Mr. Johnston: Yes, sir.

Mr. Stone: Will you kindly read them to the Board. Before you read those, I would like to explain to the Board that in Canada they have the 24 hours system of time, and all tickets are made out according to that system, and instead of having 12 o'clock noon to 12 o'clock midnight.

Mr. Johnston: This is on the Alberta division, from Medicine Hat to Swift Current. This man was ordered for 17 o'clock on October 13th, 1913, and arrived at Swift Current at 22:30, October 14, 1913. He was thirty hours on duty.

Mr. Sheean: Will you just give us the detail of each of those when you go along, when he reported for duty and how far he got and what he was doing?

The Chairman: Perhaps it would also be well to give the name of each individual.

Mr. Johnston: This is Engineer Breakell. I haven't got his detention ticket for this particular trip, but he was 14 hours and 50 minutes on detention, after giving ten miles an hour for the actual miles on this division.

Mr. Stone: Explain, Mr. Johnston, what time he was called, what time he departed, where from and where he ran, and the number of miles he actually ran.

Mr. Johnston: He was called at Medicine Hat for 17 o'clock. He would have to be on duty 45 minutes before or at 16:15 o'clock, to prepare his engine and get on the train, and be ready to leave at 17 o'clock, and he was until 22:30 o'clock the next night getting to Swift Current, and then he would be some time after that looking around his engine and booking his work and putting in his ticket before being relieved from duty.

Mr. Stone: How many miles is this?

Mr. Johnston: One hundred and forty-seven miles.

Mr. Stone: For this he was paid how many miles?

Mr. Johnston: Three hundred miles.

Mr. Stone: And he was paid in miles at the rate of ten miles per hour?

Mr. Johnston: Yes, sir.

Mr. Stone: So that shows he was on duty thirty hours?

Mr. Johnston: He was on duty more than thirty hours, because he was on duty forty-five minutes before.

Mr. Stone: I understand the arbitrary allowance is not figured in that at all?

Mr. Johnston: No.

Mr. Sheean: Before you go to the next one, can you, from the memorandum that you have, tell us when he actually left Medicine Hat?

Mr. Johnston: I suppose he left at 17 o'clock. I haven't got any record of what time he left.

Mr. Sheean: Or how far he got or where he was on any siding, or what happened on the run?

Mr. Johnston: It was a very common thing at that time for you to be a long time going over the road. I will read you a number of tickets here—

Mr. Sheean: Can you, from the ticket, give the history of what took place?

Mr. Johnston: He was fourteen hours and fifty minutes on detention. There was one place here he was switching from 17:35 until 19:10. That is the only record that is on this ticket.

Mr. Stone: May I ask a question for information, Mr. Chairman?

The Chairman: Yes.

Mr. Stone: Doesn't the consist you have for all the services of each engineer in the western territory show exactly what he has done?

Mr. Sheean: I don't know as to that. If we can get the data from the detention slips that were turned in—I don't know about the accounting—if we can get the date—

Mr. Johnston: October 13 and 14, 1913. This is another one, the same engineer, Engineer Breakell. From Medicine Hat to Swift Current, he was ordered for 4 o'clock on September 26th, and he arrived at Swift Current on September 27th, 1913, at 11:30. He has got sixteen hours and fifty minutes for detention after giving ten miles an hour for one hundred and forty-seven miles. He must have been on duty thirty-two hours. He has got three hundred and twenty miles here.

Mr. Sheean: Is there any memorandum as to where that sixteen hours and fifty minutes' detention was put in?

Mr. Johnston: That was the detention on the trip, from the time he left until he arrived.

Mr. Sheean: I mean, does the ticket show where any part of the sixteen hours and fifty minutes—

Mr. Johnston: That means sixteen hours and fifty minutes' detention.

Mr. Sheean: Just what does that mean?

Mr. Johnston: We have a separate slip to put in for that. We have got to turn in a form to show all the detention where

we were detained, and what was the cause. We have to turn that in along with this ticket, and it is very seldom that engineers ever keep a record of it. This is the only record that they ever keep.

Mr. Stone: Might I ask a question? Is that the stub of your time ticket?

Mr. Johnston: Yes, sir; this is an exact copy of this man's time ticket.

Mr. Park: Does the railroad keep a record of that slip?

Mr. Johnston: They must.

Mr. Park: You return it to them?

Mr. Johnston: Yes; it is always turned in to the railroad.

Mr. Park: That will be easy to get, then.

Mr. Johnston: Here is another one, October 6, 1913. He was ordered from Swift Current to Medicine Hat. This is west bound. Was ordered for 8:30 on October 6 and arrived at Medicine Hat at 14:10 on October 7th. He was 14 hours and 50 minutes on detention on this trip. He got 300 miles for this trip.

Mr. Stone: Got how much?

Mr. Johnston: 300 miles for this trip.

Mr. Stone: That meant he was on duty thirty hours?

Mr. Johnston: Yes, sir; that is all the thirty hour trips that I have. No, I have one more here somewhere. I had one here for 37 hours. Yes, I have it; this is one from Medicine Hat to Swift Current.

Mr. Stone: What engineer?

Mr. Johnston: Engineer J. A. Park. On October 27th he was ordered for 17:45 and he arrived in Swift Current at 6:45 on October 29th, 1913.

Mr. Stone: How many hours on duty?

Mr. Johnston: He must have been on duty 37 hours and 30 minutes. That is 375 miles.

Mr. Stone: For that one trip?

Mr. Johnston: For that one trip.

Mr. Stone: Going over a division of how many miles?

Mr. Johnston: 147 miles. He was 22 hours and 18 minutes on detention.

Mr. Stone: You have quite a number of tickets that show 24 hours or more, have you not?

Mr. Johnston: Yes, sir. Here is one here for Engineer

Devlin, W. J. Devlin. He was ordered for 10:45 on October 13th, and he arrived at Swift Current at 10:45 on October 14th. He was ordered on the 13th and arrived on the 14th, just 24 hours.

Here is one for the same man on October 5. He was ordered for 15:20, and he arrived at Swift Current at 14:50 on October 6.

Mr. Sheean: Those are in 1913 or 1914?

Mr. Johnston: 1913. Here is one for Engineer Breakell, October 27, 1913; he was ordered for 17 o'clock, and he arrived at Swift Current October 28 at 17:30 o'clock, 25 hours.

October 23rd, for the same engineer, Engineer Breakell; he was ordered for 16 o'clock and arrived at Swift Current on the 24th at 14 o'clock, 225 miles. He must have been 22 hours and 30 minutes on duty.

Here is one for Engineer Breakell again, on September 29th. Ordered for 6:30. Arrived at Swift Current at 5 o'clock, September 30, 23 hours.

On October 29th, Engineer Breakell; he was ordered at Swift Current for 8 o'clock and arrived at Medicine Hat on October 30th at 7 o'clock. He got 235 miles for this. That would be 23 hours and a half on duty.

Another one for Engineer Breakell, on August 17th. He was ordered for 2:15, August 17, and arrived at Swift Current October 18th at 1 o'clock. He had 233 miles.

Here is another one for Engineer Devlin on October 24. He was ordered to Medicine Hat for 17:50; arrived at Swift Current on the 25th at 13:35. He must have been 20 hours and 10 minutes on duty.

Another one for Engineer Devlin. He was ordered on October 2nd at Medicine Hat, for 14 o'clock, and arrived at Swift Current, October 3rd, at 12:50, 228 miles. He would be about 22 hours and 45 minutes actual time on duty.

Another one for Engineer Breakell, from Medicine Hat to Swift Current, on October 4th; he was ordered for 18:15 and arrived in Swift Current on October 5th at 19:15, 255 miles. That would be 25 hours and 30 minutes.

Mr. Stone: That is all.

Mr. Sheean: Have you with any of these slips any memorandum showing where the time was put in?

Mr. Johnston: When these trip tickets were put in?

Mr. Sheean: No, where he put in the time, whether he was

at a siding at a station en route, or whether he was delayed before starting, or are these simply memoranda showing the time that his pay ran on?

Mr. Johnston: I do not think there are any of those tickets where he was delayed before he started, or there would be a notation on it, initial detention. But the man was on duty, and ready to go at any time they let him.

Mr. Sheean: But how long was he on any siding at any particular point of the 16 hours of detention; in the first one, you do not know how many of those hours were continuous at any one point?

Mr. Johnston: No, I could not say. I have not the detention tickets.

Mr. Sheean: Did you make any examination as to the time slips through this period of any one of these men, running through a number of months' time?

Mr. Johnston: Well, these are just a few bunches of tickets that I have to show the long hours the men were on duty.

Mr. Sheean: With the same men, how short was the time on duty of any one of these engineers in making that 147 miles?

Mr. Johnston: The only time they did get over the division fast was in case they happened to get a section of a passenger train.

Mr. Sheean: In making the examination of these tickets that you said you would make last night, how low was the time that you found on this same run?

Mr. Johnston: I think ten hours was the least of any one trip consumed on a freight train.

Mr. Sheean: And what service was that in?

Mr. Johnston: That was getting over the road; I don't know whether he had a train or not, I could not say; but it was an exceptional trip for that period.

Mr. Sheean: What service were these long hours in?

Mr. Johnston: Through freight.

Mr. Sheean: And the same rule was in force there, during that time, so that the engineer might have tied up anywhere on any of these runs after the expiration of fifteen hours?

Mr. Johnston: If the engineers had all tied up there during that period, they would have been longer going over the road, those that were working.

Mr. Sheean: They would have been longer going over the road and they would not have been under pay while they were sleeping; but in this way they drew continuous time; that is the difference, is it not?

Mr. Johnston: Just as long if not longer, even if they had booked for rest, they would have been just as many hours on duty getting over the division.

Mr. Sheean: But they might have booked for rest and taken it if they had seen fit to do so, and by not booking for rest they drew continuous time from the time they started out until they got to the other terminal?

Mr. Johnston: He did not want to tie the road up.

Mr. Sheean: The fact is that they might, if they saw fit, have tied up under the rule, and that is left to the man?

Mr. Johnston: Yes, we could have booked for rest, if we had so desired.

Mr. Sheean: And if you booked for rest you would not have drawn pay while you were taking the rest?

Mr. Johnston: No.

Mr. Sheean: By not doing so, all of these men drew pay continuously from the time that they booked out until they booked in?

Mr. Johnston: Yes, ten miles an hour.

Mr. Sheean: And there may have been, so far as you know, on any of these tickets, a continuous lay-over of eight hours?

Mr. Johnston: No.

Mr. Sheean: On some siding?

Mr. Johnston: No, sir; I am safe in saying that I do not think there was any case where they laid eight hours at any one siding.

Mr. Sheean: Out of the total of sixteen hours' detention on the trip, you have no knowledge or information as to where any part of that sixteen hour detention was put in?

Mr. Johnston: Well, it was put in dragging our trains over the road and making our meets on passenger trains, and meets that the despatcher would give us on other freight trains; and there was very often we would put in two or three hours sawing by at side tracks, where we would be meeting trains;

you take probably two or three of these long trains meeting other trains at a siding, and sawing by there.

Mr. Sheean: Mr. Johnston, I understand you have no personal knowledge as to any of these particular detentions; these are other men's tickets?

Mr. Johnston: Yes.

Mr. Sheean: And where any part of the detention was put in or what was being done during those detentions, you have no personal knowledge?

Mr. Johnston: No, the records will show what they were doing.

Mr. Sheean: There is not in the records that you have, anything showing where these detentions were?

Mr. Johnston: No, not that I have.

Mr. Sheean: Did you, in examining these tickets over night, take any one of these engineers through the month in which these tickets were, to find out what the average time was on the run?

Mr. Johnston: No, I did not figure that.

Mr. Sheean: And, in these tickets which you presented here this morning, how many were the total tickets which you examined, among which you found these which you have produced here?

Mr. Johnston: These just cover a period of two months.

Mr. Sheean: And, during that two months, how many tickets all told did you examine from which you made these selections?

Mr. Johnston: Just three men's tickets.

Mr. Sheean: Three men's tickets?

Mr. Johnston: Yes.

Mr. Sheean: During a two months' period?

Mr. Johnston: Yes.

Mr. Sheean: And what were the total trips made by these three men during that two months' period?

Mr. Johnston: I did not know that you wanted that information or I would have prepared it. All I wanted to do was to verify my statement of yesterday that we were thirty hours getting over the division.

Mr. Sheean: The number of tickets that you have presented were all that you found from an examination of all of

the time slips for three men, covering a period of two months?

Mr. Johnston: Yes, I think that is right. Of course, I can get a lot more tickets where they were twenty and twenty-two and twenty-three hours on duty, from those same men.

Mr. Sheean: Over this same division you found a low spot of ten hours, and a high spot as given here this morning, as to the time that the men took in making the run during those months?

Mr. Johnston: I think there was only one ticket where one of these men got over the road in ten hours, just one in my examination.

Mr. Sheean: I think that is all.

Mr. Stone: Is it not a fact that those men did not have any rest periods on any particular siding of eight or ten hours at a time?

Mr. Johnston: No, they did not have any rest period there —they were on duty all the time.

Mr. Stone: Is it not also a fact that they were under pay and on duty and trying to go and get somewhere, every minute during that time?

Mr. Johnston: Yes, sir.

Mr. Stone: Suppose the average could be shown, that the average trip was twelve, fourteen or sixteen hours, would that relieve the fact that the man did have the thirty-seven and a half hour trip?

Mr. Johnston: No.

Mr. Stone: You could not make him believe that his average was so low that he did not have it?

Mr. Johnston: No.

Mr. Stone: That is all.

Mr. Park: If an accident occurred to a train on this division, interfering with the movement of another train, that would automatically tie up an opposing train, would it not, until the road was clear?

Mr. Johnston: Yes.

Mr. Park: And there might have been occurrences of that kind that caused this abnormal time on the road?

Mr. Johnston: No, it did not cause this. There was only one accident up there a year ago last fall, and this condition existed for longer than that particular period.

Mr. Park: You have a single track railroad?

Mr. Johnston: Yes, sir.

Mr. Park: Have you automatic signals?

Mr. Johnston: No, sir.

Mr. Park: How many passenger trains do you run a day on that division?

Mr. Johnston: Do you mean at this particular time?

Mr. Park: At that particular time?

Mr. Johnston: Five passenger trains each way at that time.

Mr. Park: That is ten passenger trains?

Mr. Johnston: Yes.

Mr. Park: And about how many freight trains?

Mr. Johnston: We had twenty-four engines in through freight at that time.

Mr. Park: Twenty-four?

Mr. Johnston: Yes, sir.

Mr. Park: So you had probably ten freight trains a day each way?

Mr. Johnston: Just as soon as the power was available it was always ordered.

Mr. Park: What were you doing, moving a heavy wheat business?

Mr. Johnston: Wheat and coal and timber.

Mr. Park: So that you were handling up to the capacity of the railroad?

Mr. Johnston: Yes, sir.

Mr. Park: How was your power, was it in poor condition?

Mr. Johnston: We had good power.

Mr. Park: When you went in on the side track waiting for these opposing trains two or three hours at a time, was there any relaxation of duty?

Mr. Johnston: There was no place around that engine where you could go to sleep.

Mr. Park: The engineer could not lay down on the seat?

Mr. Johnston: No, sir; the seats are so constructed he cannot lay down on them.

Mr. Park: That is all.

Mr. Nagel: Am I right in the impression that, in point of

mileage, the engineers were making their usual run in all these cases?

Mr. Johnston: Yes, 147 miles.

Mr. Nagel: And the long period of time was caused by some accident or mishap, the particulars of which you do not know?

Mr. Johnston: No, this long time was on duty, was long time in getting over the road on account of business conditions.

Mr. Shea: Mr. Johnston, assuming that an engineer and fireman on any of these trips which you have described wished to book for rest, are there any conveniences or facilities en route that would give these men ample rest, in case they did tie up?

Mr. Johnston: Not unless you get to points where there are hotels, before they close up at night. There are two places on our division where you could get to a hotel if you got along before 12 o'clock at night.

Mr. Shea: Now, in case crews do tie up along the road, where do the engineer and fireman usually take their rest, or where do they sleep?

Mr. Johnston: As a rule, in the caboose.

Mr. Shea: Well, do they have facilities to remove their clothing and shoes and take their rest when sleeping in the caboose?

Mr. Johnston: Not unless the trainmen allow us to get in bed with them—one of the train crew.

Mr. Shea: I would infer from that, that rather than put up with these inconveniences in tying up en route, they would rather drudge along and suffer the inconveniences of trying to keep awake in operating their engine, in order to get to their destination, so that they might have some place to sleep and eat?

Mr. Johnston: Yes, sir.

Mr. Shea: That is all.

Mr. Stone: Just one more question: Mr. Sheean asked you in regard to tieing up. If you had tied up and taken your eight hours' rest would that have expedited the movement of the train over the road? Would you not have been as many hours on duty anyway, in the aggregate, between terminals?

Mr. Johnston: Yes, sir; liable to be longer.

Mr. Stone: Is it not a fact that at that time the company

wanted the men to come over the road, if possible, because of the shortage of power?

Mr. Johnston: Yes, sir.

Mr. Stone: That is all.

The Chairman: Call your next witness.

Mr. Stone: I would like to suggest, Mr. Chairman, if it is germane to the question, and the Board desires further information, that it is within the power of the Board to request from the Canadian Pacific Company, the numerous cases that were handled last summer by the grand officers of the Brotherhood of Railroad Trainmen and the Order of Railway Conductors. I understand they handled thirty cases on the Crow's Nest Division, where crews were on duty over thirty hours, and that is only a hundred mile division. So this question of being thirty hours on duty is not uncommon in the northwest, on the Canadian Pacific. That is all.

The Chairman: Stand aside.

(Witness excused.)

J. J. WADDELL was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer J. J. Waddell, of the Sheridan Division of the Chicago, Burlington & Quincy. I do not think I am violating any confidences when I say he is considered one of the best engineers in the northwest, and has received many credit marks by the Burlington Company for his services as an engineer.

Mr. Waddell, you are at the present time in the employ of the Burlington Company as an engineer?

Mr. Waddell: Yes, sir.

Mr. Stone: Where are you running?

Mr. Waddell: At Sheridan, Wyoming.

Mr. Stone: Between Sheridan and Gillette?

Mr. Waddell: Between Sheridan and Gillette.

Mr. Stone: What is the distance?

Mr. Waddell: 102 miles.

The Chairman: Mr. Waddell, will you kindly speak a little louder. Just throw yourself back and talk up.

Mr. Stone: How many years have you been in this class of service?

Mr. Waddell: Nine years.

Mr. Stone: You are a promoted man, are you not?

Mr. Waddell: Yes, sir.

Mr. Stone: Did your firing on that division?

Mr. Waddell: Yes, sir.

Mr. Stone: What type of engine are you running at the present time?

Mr. Waddell: Mallet type.

Mr. Stone: What is the weight?

Mr. Waddell: 314,850 pounds on drivers.

Mr. Stone: That would give you a tractive power of somewhere about 70,000 pounds?

Mr. Waddell: 70,500 pounds, yes, sir.

Mr. Stone: Did you run this same type of engine in 1910?

Mr. Waddell: Yes, sir.

Mr. Stone: Are you running the same engine you did in 1910?

Mr. Waddell: Yes, sir.

Mr. Stone: Has there been any material increase in the tonnage rating of this engine since 1910?

Mr. Waddell: Yes.

Mr. Stone: Explain to the Board to what extent?

Mr. Waddell: About 500 tons.

Mr. Stone: Have your hours of service been increased on account of this increased tonnage?

Mr. Waddell: The hours of service have been increased some, but the company has put in a helper there from Sheridan to Ulm, a distance of 27 miles, and that helps to cut the hours down on the heavier trains.

Mr. Stone: But, with this helper service for 27 miles, are your hours still longer than they were in 1910?

Mr. Waddell: Yes, sir.

Mr. Stone: About how many hours does it usually take you to make a trip?

Mr. Waddell: With a drag freight it takes from nine to fourteen hours.

Mr. Stone: On a 102-mile division?

Mr. Waddell: Yes, sir.

Mr. Stone: About how much time is consumed in making a trip in fast freight service on that division?

Mr. Waddell: With fast freight, fruit and stock trains, it takes from four and a half to seven hours with a doubleheader from Sheridan to Sparta, a distance of 96 miles out of the 102 miles.

Mr. Stone: Do I understand from that, that on your fast freight, fruit and stock trains, they doublehead the Mallet engine for 96 miles?

Mr. Waddell: Yes, sir.

Mr. Stone: What type of engines do they put ahead of her?

Mr. Waddell: They put a class D-4.

Mr. Stone: That is the Mikado type?

Mr. Waddell: That is a Consolidation.

Mr. Stone: Superheater?

Mr. Waddell: The majority of them are superheaters, yes, sir. It is an engine that weighs 179,000 pounds on drivers.

Mr. Stone: You did try doubleheading two Mallets for a while, did you not?

Mr. Waddell: Not to my knowledge, there were never any Mallets doubleheaded, only getting the engine to the shop, back and forth.

Mr. Stone: Well, there was a reason why they did not double head the Mallets, wasn't there—didn't they have some trouble in regard to handling their brakes?

Mr. Waddell: Well, they could not get an emergency application of the air brake through two Mallets, on account of the excessively long train line, with no emergency feature.

Mr. Stone: Have you any record of your time made in 1910 and your time made in 1914, that you can give the Board a comparison of your services?

Mr. Waddell: Yes, sir.

Mr. Stone: Will you kindly give it to the Board?

Mr. Waddell: In May, 1910, I made thirty-one trips between Sheridan and Gillette, handling 38,249 tons into and out of Gillette. In May, 1914, my train made twenty-six trips between Sheridan and Gillette, handling 46,441 tons into and out of Gillette.

Mr. Stone: Explain to the Board how your pay differed.

Mr. Waddell: For the 38,249 tons handled in 1910 I re-

ceived $180.09. The rate of pay on my engine was increased $1.00 per hundred miles in December, 1910, and although the rate was $1.00 per hundred miles higher in 1914 than in 1910, I received only $181.70 in May, 1914, for handling 46,441 tons, or an increase of 8,192 tons handled for an increase of $1.61 in pay. Tonnage increase in May, 1914, over May, 1910, was more than 21 per cent; the increase in pay was less than 9/10 of one per cent, and this increase in pay was due to overtime.

Mr. Stone: How long are you called before leaving time of your train?

Mr. Waddell: Two hours.

Mr. Stone: What time are you required to be on duty on your engine?

Mr. Waddell: Thirty minutes before leaving time.

Mr. Stone: I believe on the Burlington you are required to fill your own grease cups, are you not?

Mr. Waddell: Yes, sir.

Mr. Stone: Twenty grease cups on a Mallet engine?

Mr. Waddell: Twenty, yes, sir.

Mr. Stone: Have you ever timed yourself filling those grease cups, how long it takes?

Mr. Waddell: To fill those grease cups properly it takes at least two minutes for each grease cup.

Mr. Stone: That is under normal conditions?

Mr. Waddell: Yes, sir.

Mr. Stone: How long would it take when it gets down to about 40 below zero?

Mr. Waddell: It would take considerably longer than that; the grease would be frozen up hard.

Mr. Stone: I suppose you are required to go through the usual performance of preparatory time, examination of boilers, registering time, inspecting the engine and so on, and seeing that you have the necessary tools and all that, the same as all these men?

Mr. Waddell: Yes, sir.

Mr. Stone: Do you do all this work in the thirty minutes that is required of you?

Mr. Waddell: No, sir, I cannot do it in thirty minutes.

Mr. Stone: The result of that must be you get there earlier?

Mr. Waddell: We usually get to the roundhouse at least fifty minutes before we are due out of town.

Mr. Stone: And for this do you receive any compensation?

Mr. Waddell: No, sir, our pay does not start until the time we are ordered to leave town.

Mr. Stone: Yet during that time you are responsible and subject to discipline, are you not?

Mr. Waddell: Yes, sir.

Mr. Stone: Has there been any increase in the cost of living in your part of the country since 1910?

Mr. Waddell: Yes, sir, there has. There has been an increase of about 40 per cent at the away from home teminals, and there has been a general increase on practically everything that goes to make up living expenses.

Mr. Stone: Have you any record of the performance of—what is the number of the engine?

Mr. Waddell: 4103.

Mr. Stone: Have you any performance sheet or record of the performance other than what you quoted?

Mr. Waddell: Yes, sir, I have.

Mr. Stone: I wish you would explain it to the Board and read it to the Board; just give the results.

Mr. Waddell: Performance on engine 4103, between Sheridan and Gillette, May, 1910, as shown by the train register at Gillette. I handled 38,249 tons, 1,083 cars. The average tons per train was 1,276. Average miles was 11.80. Average cars per train was 35. I made in this month 11 hours overtime.

Performance of engine 4103, or same class, between Sheridan and Gillette, May, 1914, as shown by train register at Gillette, Engineers Waddell, Thompson, Harrington and Milne. Handled a total of 46,381 tons, 1,240 cars; average tons per train, 1,784; average cars per train, 47. Fourteen hours overtime made in this month.

Mr. Stone: Is the Mallet type of engine in general use on your division?

Mr. Waddell: They are used almost entirely between Sheridan and Gillette.

Mr. Stone: Do they use them on the local freights, too?

Mr. Waddell: Yes, sir.

Mr. Stone: They pull about the same tonnage on the local freights that they do on through freights?

Mr. Waddell: About the same tonnage, yes, sir.

Mr. Stone: It must be a nice job, spotting way cars at the platform with one of these tonnage trains, with a Mallet, is it not?

Mr. Waddell: It is quite a job, especially if you happen to have about eighty or ninety cars—eighty cars is our limit, though.

Mr. Stone: Do you have many tie-ups for rest out on the road on your division?

Mr. Waddell: Not very often; it is a short division.

Mr. Stone: You do have some, though, do you not?

Mr. Waddell: Yes, sir; we tie up sometimes.

Mr. Stone: Have you ever been tied up for rest on the road?

Mr. Waddell: I believe I have been tied up twice since I have been running a Mallet.

Mr. Stone: When you were tied up, did they tie you up where there was plenty to eat and a place to sleep?

Mr. Waddell: Well, we were tied up at Echeta one trip. There was no place to sleep there. We finally got something to eat after we had been there about six hours.

Mr. Stone: The other time you were tied up—

Mr. Waddell: At Felix, five miles further on from Echeta.

Mr. Stone: Any place to eat or sleep there?

Mr. Waddell: No place to eat or sleep there.

Mr. Stone: At that time, is it not a fact that you requested the despatcher on duty to allow you to deadhead on a passenger train so you could get something to eat?

Mr. Waddell: At Echeta I asked the despatcher for permission for myself and the fireman to go in and get something to eat. There was a stock train that we could have gone in on, and we could have caught No. 43, a passenger train back, and been back at Echeta at the time the rest was up. Could have gotten something to eat, and had some time to sleep at Gillette, but he would not talk to us.

Mr. Stone: The result was you stayed there eight hours off duty?

Mr. Waddell: Yes, sir.

Mr. Stone: With nothing to eat and no place to sleep?

Mr. Waddell: Yes.

Mr. Stone: And at the end of what was supposed to be the rest period, you were in a far worse condition than you were when you tied up?

Mr. Waddell: Yes, sir; that is a fact.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Mr. Waddell, in giving the comparison of Engine 4103, between May, 1910 and 1914, you gave the speed in 1910 as 11.80 miles per hour, I believe. I did not get, as you gave the performance of 1914, what the average speed was.

Mr. Waddell: I did not figure out the average speed in 1914.

Mr. Sheean: Well, have you available the data from which you can give the average speed in 1914 as compared with 1910?

Mr. Waddell: I have the time books and time on road, yes, sir. It would take some time to figure it out.

Mr. Sheean: In giving the comparison of the earnings in May, 1910, with May, 1914, how many trips were made in May, 1910?

Mr. Waddell: Thirty-one single trips.

Mr. Sheean: Thirty-one trips?

Mr. Waddell: Yes, sir.

Mr. Sheean: And how many trips were made in May, 1914?

Mr. Waddell: Twenty-six.

Mr. Sheean: Twenty-six trips?

Mr. Waddell: Yes.

Mr. Sheean: How many hours were you on duty in May, 1910?

Mr. Waddell: I would have to figure that out, too. I haven't got it down. Neither for May, 1910 or 1914—I have not either one of them figured out.

Mr. Sheean: You haven't the hours?

Mr. Waddell: No.

Mr. Sheean: But in 1914 you earned $1.61 more than the corresponding month in the year 1910, and to do so you made five trips less in May, 1914, than you did in May, 1910?

Mr. Waddell: Yes, sir.

Mr. Sheean: You have your time slips from which you can ascertain what the total number of hours on duty were in May, 1910; also the hours in May, 1914?

Mr. Waddell: Yes, sir.

Mr. Sheean: And, you also have the data from which you can give us the speed, the average speed per hour of this engine in 1914, as compared with the speed in 1910?

Mr. Waddell: Yes, sir.

Mr. Sheean: I wish, as a part of your cross-examination, without taking the time to do that now, you would supply those figures?

Mr. Waddell: All right, I will.

Mr. Sheean: What is the character of the tonnage handled out there, what are the industries on that division?

Mr. Waddell: The most of the year we have lumber and coal.

Mr. Sheean: What is it?

Mr. Waddell: Lumber and coal are the main industries there, except, in the fall months, we have stock and fruit.

Mr. Sheean: Well, is the tonnage usually in one direction?

Mr. Waddell: The big tonnage runs east all the time, practically.

Mr. Sheean: All the time?

Mr. Waddell: Practically all the time.

Mr. Sheean: And about what time does it take the light bound traffic to make the return trip?

Mr. Waddell: It takes anywhere from six to eight or ten hours.

Mr. Sheean: This tonnage that you have given is the tonnage eastbound?

Mr. Waddell: No, sir, it is the tonnage averaged both ways.

Mr. Sheean: Averaged both ways?

Mr. Waddell: Yes, sir.

Mr. Sheean: And the speed per hour for 1910 is the speed averaged both ways?

Mr. Waddell: Averaged both ways, yes, sir.

Mr. Sheean: Now, do the men on that particular division there run first in and first out?

Mr. Waddell: Yes, sir, except the assigned locals?

Mr. Sheean: Except the assigned locals?

Mr. Waddell: Yes, sir.

Mr. Sheean: So that the fast freight that you speak of that sometimes is made in four and a half hours, is run in the same pool as the drag freight?

Mr. Waddell: Yes, sir.

Mr. Sheean: And, a man out on the road ten or eleven or twelve hours on one trip may get the fast freight on the next trip which he will make in four and a half hours?

Mr. Waddell: Yes, sir. And two or three or four of those fast freights may run around him during that trip.

Mr. Sheean: It is all a matter of luck and chance in that?

Mr. Waddell: Yes, sir.

Mr. Sheean: And the arrangement of running in first in and first out is the most satisfactory one to the men and the company that you can devise?

Mr. Waddell: Yes, sir, it is.

Mr. Sheean: And averages up, in the long run, on about as fair a basis as you can, in practical operation, average such things?

Mr. Waddell: Yes, sir.

Mr. Sheean: On this 102-mile division, in the current operations there, you may one day be out ten or twelve hours, and, on your next run, go over it in four and a half to five or six hours?

Mr. Waddell: Yes, sir.

Mr. Sheean: So long as you do not run into overtime, the pay that you receive is just the same for a trip made in four and a half hours as one that is made in ten hours?

Mr. Waddell: Yes, sir, our schedule says that ten miles equals one hour, therefore, when we make 102 miles, it pays 102 miles, or ten hours—we are given the equivalent of the ten hours, paid off in miles.

Mr. Sheean: And, even though that is actually done in four and a half hours, there is no difference recognized, either by the men or by the company, under the schedule, in making payments?

Mr. Waddell: No, sir.

Mr. Sheean: Even though you come back without any tonnage at all in the direction of the light traffic, taking only the

caboose, you are paid just as much for that, under the schedule?

Mr. Waddell: Yes, sir.

Mr. Sheean: As if you had the heavy tonnage?

Mr. Waddell: Yes, sir.

Mr. Sheean: There has been no basis of pay, or any change made or reduced pay in any way, because it was simply a caboose that was carried in one direction, at any time?

Mr. Waddell: No, sir.

Mr. Sheean: You ran continuously in this pool from Gillette to Sheridan, all through the year from June, 1913, to June, 1914, did you, Mr. Waddell?

Mr. Waddell: I believe that I did, outside of probably a few trips on passenger.

Mr. Sheean: Well, your earnings there were about $2,000 for that fiscal year, were they not?

Mr. Waddell: I have no record handy. I could figure that out in a short time. It was around that, though, I think.

Mr. Sheean: And, averaging your four and a half hours, or the times that you happened to catch the low ones, with the times that you caught the high ones, your time on duty was under ten hours per trip, was it not?

Mr. Waddell: It might run a little under it, but it won't run very much.

Mr. Sheean: No, but a little under ten hours. The pay per trip there, runs over $9, doesn't it, on the engine you are running?

Mr. Waddell: Per single trip?

Mr. Sheean: No, I beg your pardon; runs a little over nine hours. A single trip runs over $7, then, doesn't it?

Mr. Waddell: No, sir.

Mr. Sheean: How much?

Mr. Waddell: $6.50.

Mr. Sheean: What is it?

Mr. Waddell: $6.52, one way over the road.

Mr. Sheean: On the Mallet engine?

Mr. Waddell: Yes, sir.

Mr. Sheean: What is the rating?

Mr. Waddell: $6.40 per hundred.

Mr. Sheean: $6.40 per hundred miles?

Mr. Waddell: Yes, sir.

Mr. Sheean: And this division is 102 miles?

Mr. Waddell: Yes, sir.

Mr. Sheean: Now, this same Mallet was in use there about how long prior to December, 1910, how long had you been running that engine?

Mr. Waddell: Prior to December, 1910, this same Mallet?

Mr. Sheean: Yes, or the same type or style of Mallet.

Mr. Waddell: I am not positive, exactly, when they did get those Mallet engines, but it was early in 1910.

Mr. Sheean: And as a result of the agreement of December, 1910, how much of an increase was there on the Mallet engines?

Mr. Waddell: One dollar.

Mr. Sheean: So that, on each one of these trips you would get $1.02 more than you were getting prior to December, 1910; that is, 102 miles, and an increase of $1. per hundred miles was the increase, was it not?

Mr. Waddell: Yes.

Mr. Sheean: So that, for each trip which you have made since 1910 with the same engine and over the same road, you have received as a result of the agreement of December, 1910, $1.02 more than you got for that trip, previous to December, 1910?

Mr. Waddell: I received a little more than one dollar, yes, sir.

Mr. Sheean: How long ago were these tie-ups that you speak of?

Mr. Waddell: I think it was in October and November, 1913.

Mr. Sheean: And those are the only two instances of tie-ups on this division that you know of?

Mr. Waddell: No, they were the only two instances where I was tied up personally.

Mr. Sheean: That is what I meant to say, the only two instances in which you have been involved, in how many years of service?

Mr. Waddell: Nine years.

Mr. Sheean: Nine years?

Mr. Waddell: Not with the Mallet, though; I have been tied up with other engines.

Mr. Sheean: And you have been using the Mallet a little over four years?

Mr. Waddell: Yes, sir.

Mr. Sheean: And in the four years' time you have had two tie-ups?

Mr. Waddell: I have not been on a Mallet steady. I was on a Mallet about six weeks in 1910 and then I got a Mallet again, in 1913.

Mr. Sheean: How many tie-ups have you had on other engines than the Mallets during the other five years of your experience as an engineer?

Mr. Waddell: I could not say exactly.

Mr. Sheean: About how many?

Mr. Waddell: I could not give you a definite answer to that.

Mr. Sheean: All I mean, Mr. Waddell, is—

Mr. Waddell: I was tied up a few times; not very often.

Mr. Sheean: Not very often, but the two tie-ups in four years on the Mallets is not out of proportion to the other tie-ups that you have suffered on other engines?

Mr. Waddell: Yes, I believe it is.

Mr. Sheean: Well, there are only the two instances in the four years, anyhow, and there have been at least two on other engines, have there not?

Mr. Waddell: Yes.

Mr. Sheean: More than two, as a matter of fact?

Mr. Waddell: Well, yes.

Mr. Sheean: In either of these cases do you remember the cause of the detention?

Mr. Waddell: In both cases, it was simply a case of getting stuck for other trains all the time; that is, at meeting points, getting delayed.

Mr. Sheean: And having to take the siding to wait for other trains?

Mr. Waddell: Yes, sir.

Mr. Sheean: Both instances were due to that?

Mr. Waddell: Yes, sir.

Mr. Sheean: How long have you been employed by the Burlington, altogether?

Mr. Waddell: Since November, 1899, I believe.

Mr. Sheean: And on this same division?

Mr. Waddell: Yes, sir.

Mr. Sheean: How long were you a fireman?

Mr. Waddell: I fired practically three years.

Mr. Sheean: And at the end of three years you were promoted?

Mr. Waddell: Yes, sir.

Mr. Sheean: And have been an engineer ever since?

Mr. Waddell: Yes, sir.

Mr. Sheean: You have made no comparison, or have you made any comparison except the month of May, 1910, with May, 1914?

Mr. Waddell: No, sir.

Mr. Sheean: No other months in those two years?

Mr. Waddell: No, sir.

Mr. Sheean: Those two months are fairly representative, are they?

Mr. Waddell: Yes, sir; I think so.

Mr. Sheean: I think, Mr. Waddell, that with the matters I have asked you to supply, that will be all, unless there be some question I want to ask as to how you arrived at the average miles per hour in the two periods.

REDIRECT EXAMINATION.

Mr. Stone: Mr. Waddell, I think in reply to a question of Mr. Sheean's you said you would get the same pay for going over the road with a light engine that you would if you pulled a train. That is not correct, is it, under the rules of your company?

Mr. Waddell: No, sir; I understood him to say an engine with a waycar.

Mr. Stone: I believe he did say that. But with a lone engine, if you went light, you would not get $6.40 a hundred, would you?

Mr. Waddell: No, sir; I would get $4.80 a hundred, running a Mallet light.

Mr. Stone: In other words, when you run an engine light over the road and you act as your own pilot, flagman and conductor, you get a reduction of $1.60?

Mr. Waddell: Yes, sir.

Mr. Stone: That is Rule Number 40, I believe, of the Burlington schedule. You say you had two tie-ups on the Mallet engines. You did not mean to leave the impression with the Board that you had been running Mallet engines for four years, did you?

Mr. Waddell: No, sir.

Mr. Stone: You ran a Mallet engine six weeks in 1910?

Mr. Waddell: Yes, sir.

Mr. Stone: And through your seniority got a better engine, until in 1913, when again you had to drop onto a Mallet engine; is that correct?

Mr. Waddell: Yes, sir.

Mr. Stone: Then you do not run a Mallet engine from choice?

Mr. Waddell: Not all the time; no, sir. When I got the Mallet engine that I am running now it was the only thing I could hold. Since that time, I believe, there is a turn out of Sheridan that I could hold on the west end, but it is a 143 mile division, and quite often they go over on the Kaspar Division and make a trip, and they will be gone a week at a time sometimes, before they get back. Therefore, I would rather run the Mallet than to take the chances of being away from home that long.

Mr. Stone: In other words, you put up with the hardships of the Mallet engine in order to have a little home life?

Mr. Waddell: Yes, sir.

Mr. Stone: And not be away from home a week at a time, on another division?

Mr. Waddell: Yes, sir.

Mr. Stone: You say you were promoted after you had fired three years?

Mr. Waddell: Yes, sir.

Mr. Stone: They are not promoting men on the Sheridan Division at the present time that have fired three years, are they?

Mr. Waddell: No, sir.

Mr. Stone: Is it not a fact that you have men back firing who have been engineers for years?

Mr. Waddell: Yes, sir, I have a promoted man firing for me on that Mallet.

Mr. Stone: The increased tonnage and heavy power brought about this condition, did it not?

Mr. Waddell: Yes, sir.

Mr. Stone: When you are lying on those sidings you spoke of, waiting for other trains, you are not released from responsibility, or you are not taking a rest, are you?

Mr. Waddell: No, sir.

Mr. Stone: Referring to those fast trips you make, when you take a train over the road in five hours, or six hours, does the company make any reduction in the charge for tonnage on the freight because you get a fast movement, or do they charge the same?

Mr. Waddell: I think they charge the same.

Mr. Stone: They charge more, don't they, for that high class, prompt movement of freight?

Mr. Waddell: I think so.

Mr. Stone: Then the fact remains, that even though you do make the trip in six hours, the company gets the same or a better revenue than they do when you make a slower run?

Mr. Waddell: Yes, sir, and it is a fact more than that, that a man is knocked out and needs his rest just about as much after he has made one of these fast trips, as if he had worked the full ten hours and taken it a little easier.

Mr. Stone: Especially, is that true of a Mallet engine?

Mr. Waddell: Yes, sir.

Mr. Stone: In other words, when she was designed for service, she was not designed for a high speed engine?

Mr. Waddell: No, sir.

Mr. Stone: Is it not a fact, that the Mallet engine is proverbially a hard-riding engine, after she has been in service a few months?

Mr. Waddell: Yes, sir; a Mallet rides hard after she has been in service a few months, on account of the back engine or high pressure engine slipping, and it finally wears the tires flat. That makes a hard riding engine.

Mr. Stone: If I got your figures correctly, in 1910 you made 31 trips?

Mr. Waddell: Yes, sir.

Mr. Stone: And in 1914 you made 26 trips?

Mr. Waddell: Yes, sir.

Mr. Stone: The company saved 510 miles, then, in actual mileage?

Mr. Waddell: Yes, sir.

Mr. Stone: They saved five trips?

Mr. Waddell: Yes, sir.

Mr. Stone: And at the increased rate of one dollar per trip you earned how many dollars more?

Mr. Waddell: $1.61 in pay.

Mr. Stone: And that was in overtime, not in miles?

Mr. Waddell: Yes, sir, in overtime.

Mr. Stone: But for those 26 trips, the company got 8,192 more tons of freight handled?

Mr. Waddell: Yes, sir.

Mr. Stone: Than it did for the 31 trips in 1910?

Mr. Waddell: Yes, sir.

Mr. Stone: So they showed a high percentage of increase in the tons handled, and a decrease of 510 miles, actual miles run?

Mr. Waddell: Yes, sir.

Mr. Stone: I think that is all.

The Chairman: Call your next witness.

Mr. Stone: Are you through, Mr. Sheean?

The Chairman: Have you anything further, Mr. Sheean?

Mr. Sheean: No, I have not.

Mr. Burgess: I would like to ask a question, Mr. Chairman.

The Chairman: One moment, then, please.

Mr. Burgess: Mr. Waddell, Mr. Stone asked you if there was a decrease of 510 miles between 1914 and 1910?

Mr. Waddell: Yes, sir.

Mr. Burgess: That would mean that your pay would be reduced to that extent?

Mr. Waddell: Yes, sir.

Mr. Burgess: In other words, while you handled these 46,441 tons in May, 1914, and did that in 26 trips, the increase of the tonnage resulted in a net loss to you, to the extent of 510 miles?

Mr. Waddell: Yes, sir.

Mr. Burgess: Even though you are hauling more tonnage for the company?

Mr. Waddell: Yes, sir.

Mr. Burgess: That is all.

Mr. Sheean: Well, Mr. Waddell, were the 26 trips which were made in 1914, any different, either in average length of time on the trip, or average length of time on duty which you put in? Were they any different in any respect in 1914, over the 31 trips that you made over the same road, with the same engine, in 1910?

Mr. Waddell: I spent a little more time in 1914 on the road than I did in 1910. That is, per trip over the road.

Mr. Sheean: What was the average time per trip in 1910?

Mr. Waddell: I haven't got it down here. I can furnish that with the other. At least, I don't believe I have. Average miles per hour, 11 and 80. That would be just a little less than 9 hours per trip, I believe.

Mr. Sheean: A little less than 9 hours per trip in 1910?

Mr. Waddell: Yes.

Mr. Sheean: But what the hours were per trip in 1914—

Mr. Waddell: I haven't that figured.

Mr. Sheean: You haven't that compiled?

Mr. Waddell: No.

Mr. Sheean: I think that is all.

Mr. Byram: Mr. Waddell, you said in answer to Mr. Burgess' question, that you lost 510 miles in 1914 as compared with 1910?

Mr. Waddell: Yes, sir.

Mr. Byram: That was because you were only required for service 26 times?

Mr. Waddell: Yes, sir.

Mr. Byram: Wasn't it?

Mr. Waddell: Yes, sir.

Mr. Byram: The company's business did not require you to make but 26 trips in that month. That is the reason you lost the 510 miles, is it not?

Mr. Waddell: That was so, but if I had not been handling this increased tonnage they probably would have required me for the extra trips.

Mr. Byram: That is the way you figure it; but the fact is you only worked 26 trips instead of 31 trips in the month?

Mr. Waddell: Yes, sir.

Mr. Byram: And in that way you lost 510 miles of what you might have earned?

Mr. Waddell: Yes.

Mr. Byram: I see. I didn't understand the way you figured it. I do now.

Mr. Burgess: One more question, Mr. Chairman.

The Chairman: Yes.

Mr. Burgess: Mr. Waddell, is it not a fact that you are paid for the number of miles you run, exclusively, unless the time on duty exceeds the ten hour basis per hundred miles?

Mr. Waddell: Yes, sir.

Mr. Nagel: One question: Mr. Waddell, what is the most common cause, for delay? Is it accidents to the roadbed, or equipment, or is it owing to the fact that the trains are so heavy that the locomotive cannot carry them through on schedule time?

Mr. Waddell: The cause of our delay is on account of the excessive tonnage.

Mr. Nagel: And when you say that the time is lost by reason of your having to wait for other trains, of course, you mean, that you must have lost your place at some prior time, owing to the cause that you have named?

Mr. Waddell: Yes, sir.

Mr. Nagel: That is all.

(Witness excused.)

F. I. HUNT was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: Mr. F. I. Hunt is an engineer on the Chicago, St. Paul, Minneapolis & Omaha Railway, commonly called the Omaha Line, running between Minneapolis and Altoona, a distance of one hundred miles.

At the present time you are in the employ of the Omaha Railway?

Mr. Hunt: Yes, sir.

Mr. Stone: In what class of service?

Mr. Hunt: Freight service.

Mr. Stone: What class of engine are you running?

Mr. Hunt: Mikado type.

Mr. Stone: What is the weight of this engine?

Mr. Hunt: 227,500 pounds on the drivers.

Mr. Stone: That is a tractive power of how much?

Mr. Hunt: I think about fifty-five thousand and something.

Mr. Stone: Has there been any material change in the tonnage of your trains since 1910?

Mr. Hunt: Yes, sir.

Mr. Stone: Explain to the Board in what way.

Mr. Hunt: In 1910 we were handling 1,150 tons, that is, for our small class of engines, the small superheaters; now they handle 1,350 tons. That was most all due to cutting down grades and so forth. And, with the Mikado type we handle 2,500 tons; that is due to increased large engines. We did not have those engines in 1910.

Mr. Stone: And, if I understand you correctly, in 1910 you had the K-1 and I-1 type of engine?

Mr. Hunt: Yes.

Mr. Stone: Those are small Consolidation engines?

Mr. Hunt: Well, I guess that is what you would call them; one is a superheater, the K-1 is a superheater and the I-1 is a saturated, and they handle the same tonnage.

Mr. Stone: Then, I understand your tonnage has increased with the type of engine you were handling in 1910, from 1,150 tons, to the Mikado you are now running, handling 2,500 tons?

Mr. Hunt: Yes, sir.

Mr. Stone: Have your responsibilities increased since 1910?

Mr. Hunt: Well, I think it has, according to the trains we are handling; it is much easier to handle a train of 1,150 tons than it is a train of 2,500 tons. It is harder work starting and stopping the large train than it is the small train.

Mr. Stone: It requires more care and skill, does it not?

Mr. Hunt: Yes, sir.

Mr. Stone: In handling the heavier tonnage have your hours of service increased?

Mr. Hunt: Well, yes, they have. On the run I am on, in 1910, we used to leave Minneapolis at 10:10 and arrive at Altoona at 5:30. Now we leave Minneapolis at 7:30 in the evening and we arrive in Altoona about the same time.

Mr. Stone: Then, in other words, your time has been increased that long so that you can handle the heavier tonnage and still arrive on time?

Mr. Hunt: Yes, sir.

Mr. Stone: Or on the assigned time of the train?

Mr. Hunt: Yes.

Mr. Stone: About what are your monthly earnings, Mr. Hunt?

Mr. Hunt: About $175.

Mr. Stone: That is for a thirty day month or a thirty trip month?

Mr. Hunt: Yes, sir.

Mr. Stone: Did the installing of this type of Mikado engine make any difference in the number of engines necessary to handle the business on your division?

Mr. Hunt: Yes, sir.

Mr. Stone: In what way?

Mr. Hunt: Well, men that have been running now for all the way from six to eight years, are back, firing or hostling.

Mr. Stone: Are the men in drag freight service longer getting over the road than you are?

Mr. Hunt: Yes, sir, they are; I should judge, about twelve hours.

Mr. Stone: That is their average time?

Mr. Hunt: Yes, sir.

Mr. Stone: You happened to be old enough in seniority to be one of the fortunate ones to be assigned on an assigned run or fast freight service?

Mr. Hunt: Yes, sir.

Mr. Stone: But, the men on drags are an average of about twelve hours getting over that division?

Mr. Hunt: Yes, sir.

Mr. Stone: Are you familiar with the average earnings of the chain gang, or pool freight men in slow freight service?

Mr. Hunt: Well, I have talked with some of them and they have told me their average wages were about $140 to $145 a month.

Mr. Stone: Have you noticed any difference in the cost of living expenses between 1910 and the present time?

Mr. Hunt: Yes, sir.

Mr. Stone: In what way?

Mr. Hunt: Well, the meals are higher along the road and there are higher living expenses around home, too, groceries and rent.

Mr. Stone: What time are you called on your road before leaving time?

Mr. Hunt: We are called an hour and a half before leaving time.

Mr. Stone: What time are you required to be on duty before time due to leave?

Mr. Hunt: Thirty minutes.

Mr. Stone: That is, you must be ready to move with your engine from the roundhouse or designated track?

Mr. Hunt: Yes.

Mr. Stone: You go through the regular preparatory service, like these other men?

Mr. Hunt: Yes.

Mr. Stone: Are you paid anything for it?

Mr. Hunt: Not unless we are out over ten hours.

Mr. Stone: Your time does not begin until time due to leave?

Mr. Hunt: No, sir.

Mr. Stone: On your trip on fast freight, where you leave at 7:30 and arrive at 5 o'clock the next morning, you do not get anything for your preparatory time?

Mr. Hunt: No, sir.

Mr. Stone: Do you fill grease cups on your road?

Mr. Hunt: No.

Mr. Stone: You fill them yourself?

Mr. Hunt: No; they fill them.

Mr. Stone: They fill them for you?

Mr. Hunt: Yes.

Mr. Stone: I think that is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Hunt, if, in fact, you are more than ten hours in making this run, then you compute your time from thirty minutes prior to the time set for departure, do you not, if you are paid in hours?

Mr. Hunt: Yes.

Mr. Sheean: It is only where you make the run in less than ten hours and where the miles exceed ten times the hourly rate that you are not specially paid for it?

Mr. Hunt: Yes.

Mr. Sheean: But if you do take your pay in hours, your time is computed from thirty minutes prior to the time set for departure?

Mr. Hunt: Yes, sir.

Mr. Sheean: This run, Mr. Hunt, is over a double track road?

Mr. Hunt: Yes.

Mr. Sheean: All under automatic block?

Mr. Hunt: Yes, sir.

Mr. Sheean: And the reduction in grades since 1910 increased the tonnage rating of these smaller engines?

Mr. Hunt: Yes, sir.

Mr. Sheean: From 1,150 tons to 1,350 tons?

Mr. Hunt: Yes, sir.

Mr. Sheean: How much of that has been double tracked since 1910, or just what work has been done up there in the way of changing alignment or grades?

Mr. Hunt: If I remember right, it has all been double tracked since then; that is, the west end, from North Line to Eau Claire.

Mr. Sheean: Practically this whole division over which you run?

Mr. Hunt: Yes, sir.

Mr. Sheean: In 1910, what was being paid on this K-1 engine; what was the rate on that?

Mr. Hunt: $5.20 per hundred.

Mr. Sheean: And on the Mikado engine that you are now operating over that division, what is being paid?

Mr. Hunt: $5.65.

Mr. Sheean: $5.65?

Mr. Hunt: Yes, sir.

Mr. Sheean: So that on every trip over the road that you make with a Mikado engine you receive 45 cents more than you received for running over that same division with the smaller engine in 1910?

Mr. Hunt: Yes, sir.

Mr. Sheean: Now, about how many men on that division are there in the drag freight service?

Mr. Hunt: Well, I think there are about six or eight crews working on the west end.

Mr. Sheean: How many are there in the fast or through freight, or assigned freight service?

Mr. Hunt: Two.

Mr. Sheean: Two crews?

Mr. Hunt: Two crews; that is, on the west end.

Mr. Sheean: Well, I mean between Minneapolis and Altoona.

Mr. Hunt: Yes, sir.

Mr. Sheean: That is all.

REDIRECT EXAMINATION.

Mr. Stone: I believe, Mr. Hunt, you just testified that you received an increase in wages of 45 cents for making this trip; is that correct?

Mr. Hunt: Yes, sir; from $5.20 to $5.65.

Mr. Stone: And for that 45 cents you are three hours longer on duty than you were before, are you not?

Mr. Hunt: Yes, sir.

Mr. Stone: And for that same 45 cents you are handling 1,350 tons, where you handled 1,150 in 1910?

Mr. Hunt: Yes, sir.

Mr. Stone: Do you consider that the adoption of automatic signals lessens the labor of the engineer or his responsibility in any way?

Mr. Hunt: No, sir, I do not.

Mr. Stone: Is it not a fact that automatic signals, if anything, increase the work of an engineer?

Mr. Hunt: I think they do.

Mr. Stone: And, while they may be an additional safeguard, so far as safety is concerned, they increase the work of the engineer?

Mr. Hunt: Yes, sir.

Mr. Stone: Are you familiar with the transfer service of the Omaha between St. Paul and Minneapolis?

Mr. Hunt: No, I am not.

Mr. Stone: You say, that in case you run into overtime,

your time would be counted thirty minutes before your departure time?

Mr. Hunt: Yes, sir.

Mr. Stone: Departure time from where, the roundhouse where you take the engine, or the yard?

Mr. Hunt: From the roundhouse.

Mr. Stone: From the roundhouse?

Mr. Hunt: We are ordered, we will say, for eight o'clock; my time will start in at 7:30; I am supposed to be on the engine and ready to move at 7:30.

Mr. Stone: If you run into overtime?

Mr. Hunt: Yes, sir.

Mr. Stone: That is all.

Mr. Sheean: I think that is all.

Mr. Park: Mr. Hunt, you say that the automatic signals increase your work. Please explain that.

Mr. Hunt: Well, take it on stormy nights; you have to keep close watch of those signals, and in case you skip one of them, the light might be out on it, and if we run that signal with the light out, we are called to the office to explain why we run it. It might be that the men are out with their testing; and, in sleety weather, they are covered up and you cannot see them until you get right to them, and you have to keep an awful close eye on them all the time.

Mr. Park: It does not increase your physical work, then, but it increases your watchfulness?

Mr. Hunt: Yes.

Mr. Park: You have to be more on the alert?

Mr. Hunt: You have to be more on the alert.

Mr. Park: Is it not a fact, if a switch is open or a rail is broken, or the track broken in any way, that the signal would indicate danger?

Mr. Hunt: Yes.

Mr. Park: Does not that relieve your mind to some extent, of the risk?

Mr. Hunt: Well, yes, it does, to some extent, I suppose.

Mr. Park: You would prefer to run on a division where you had automatic signals rather than run on one not so provided?

Mr. Hunt: Well, I don't know as I would, any more. We

have just had those installed here, I think, in the last two years or so, and they seemed to get along just as well before, as they are with them now.

Mr. Park: You do not think they prevent accidents?

Mr. Hunt: Oh, yes, I do think that.

Mr. Park: But, you would prefer to take a chance on the accident rather than watch the signals?

Mr. Hunt: No, I don't think I would do that, either.

Mr. Stone: Just one more question, Mr. Hunt. Is it not a fact that, under automatic signals, the danger for penalty and for discipline is more than on the divisions where they are not equipped with automatic signals?

Mr. Hunt: Well—

Mr. Stone: What I mean is this, does it not increase the danger of men getting in trouble more frequently, where you have the automatic signals, on account of surprise tests, and on account of not seeing them at night?

Mr. Hunt: Yes, it does.

Mr. Stone: Regarding the question of automatic signals always showing in case of a rail broken, or a switch open, or anything of that kind, does the automatic signal ever fail?

Mr. Hunt: I have not seen any of them fail yet.

Mr. Stone: Well, does the automatic signal create safety, if the engineer does not observe it?

Mr. Hunt: If he does not observe it, it does not.

Mr. Stone: Then, in the end, the prevention of accidents all falls upon the engineer?

Mr. Hunt: Yes, sir.

Mr. Stone: That is all.

The Chairman: Call your next witness.

Mr. Stone: Mr. Harmon.

G. A. HARMON was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Mr. G. A. Harmon, who is in the employ of the Chicago, Milwaukee & St. Paul Railway, as an engineer, running between Milwaukee and Portage, on a division of 98

miles. (Addressing the witness) You are at the present time in the employ of the Chicago, Milwaukee & St. Paul?

Mr. Harmon: Yes, sir.

Mr. Stone: In what class of service?

Mr. Harmon: Freight.

Mr. Stone: How many years have you been in that service?

Mr. Harmon: 22.

Mr. Stone: Are you a promoted man?

Mr. Harmon: Yes, sir.

Mr. Stone: That was really a foolish question to ask, was it not, because they never hire anybody on the Milwaukee?

Mr. Harmon: Not that I know of.

Mr. Stone: What class of engine are you running at the present time?

Mr. Harmon: Mikado superheater.

Mr. Stone: What is the weight?

Mr. Harmon: 216,500 pounds on drivers.

Mr. Stone: This is the type of engine that they had quite a lot of trouble in finding out how much she really did weigh, isn't it?

Mr. Harmon: We had some trouble.

Mr. Stone: But finally got it adjusted?

Mr. Harmon: Yes, sir.

Mr. Stone: Has there been any material increase in the tonnage rating on your division since 1910?

Mr. Harmon: Yes, considerable.

Mr. Stone: Explain to the Board.

Mr. Harmon: We always have about three classes of engines on our division. In 1910 the smallest class hauled 750 tons, the next class 950, and the largest 1,060. At the present time we have three classes. The smallest, which was the largest in 1910, hauls 1,070 tons; the next size, 1,660; and the next, 1,950, over our heaviest grade.

Mr. Stone: The Mikado handles 1,950 tons?

Mr. Harmon: 1,950.

Mr. Stone: As against 1,060 tons for the largest engine on your division in 1910, is that correct?

Mr. Harmon: Yes, sir.

Mr. Stone: Have you any figures or any data of any kind, or can you give any information regarding the average time in

1910, as compared with 1914, that is, the time per trip, I mean?

Mr. Harmon: The time per trip, I would say, was about the same that it was in 1910; the trains are fewer now and we have more time to do the work so we work harder than we did in 1910.

Mr. Stone: In November, 1914, you were pulling a regularly carded train, were you not?

Mr. Harmon: Yes, sir.

Mr. Stone: Fast freight?

Mr. Harmon: Yes, supposed to be.

Mr. Stone: What was the shortest day for your trip in November?

Mr. Harmon: Eight hours and forty-five minutes.

Mr. Stone: And what was the longest trip, on this fast freight train?

Mr. Harmon: I think it was thirteen hours and forty minutes—thirteen hours and forty or forty-five minutes.

Mr. Stone: Then, that would make the average trips about ten hours and eighteen minutes per trip?

Mr. Harmon: Yes, sir.

Mr. Stone: On a 98-mile division?

Mr. Harmon: Yes, sir.

Mr. Stone: In fast freight?

Mr. Harmon: Yes, sir.

Mr. Stone: What did the slow freight do that month?

Mr. Harmon: Our trips averaged about an hour longer. It is an hourly proposition both ways.

Mr. Stone: But, while it is paid by the mile and you are paid two arbitrary miles, you generally give the equivalent in hours?

Mr. Harmon: Nearly always.

Mr. Stone: Are you familiar with the next division, what is known as the Chicago-Milwaukee division, the short division, that is, running between Chicago and Milwaukee, I mean?

Mr. Harmon: Why, I know some things about it.

Mr. Stone: What is the distance, do you know?

Mr. Harmon: 85 miles; the freight division is about 85 miles, although they go out in a different direction. I believe the freight division is 86 miles, running out to Galewood.

Mr. Stone: They handle very heavy tonnage on that division, do they not?

Mr. Harmon: Yes.

Mr. Stone: Have quite a good many tie-ups, under the law, on that 85 mile division?

Mr. Harmon: It happens frequently that they do not succeed in getting over the road in 16 hours. Some time ago they stopped relieving crews on the road and tied them up, that are tied up. I have no record of just how often it does happen.

Mr. Stone: What is known as the R. & S. W. Division, out of Milwaukee—that is your long division, is it not?

Mr. Harmon: Yes, sir, 158 miles from Milwaukee to Savanna.

Mr. Stone: What is the right name for it; it is always known as the R. & S. W.?

Mr. Harmon: Racine & South Western.

Mr. Stone: 158 miles?

Mr. Harmon: Yes, sir.

Mr. Stone: And on this division, tie-ups under the law are almost of daily occurrence, are they not?

Mr. Harmon: Yes, sir.

Mr. Stone: Have you any record of the number of tie-ups?

Mr. Harmon: Well, in 73 days, beginning October 1st and ending December 12th, they sent out 95 relief crews from Milwaukee.

Mr. Stone: On that one division alone?

Mr. Harmon: Yes, sir: This does not include men who were tied up on the road and no relief sent or men who were relieved on the Savanna end.

Mr. Stone: Nor it does not include any other division?

Mr. Harmon: No, sir.

Mr. Stone: The practice on that road, then, is to send a relief crew out if it is possible?

Mr. Harmon: Yes, sir.

Mr. Stone: And bring the train in?

Mr. Harmon: Yes, sir.

Mr. Stone: Well, that makes it pretty expensive railroading, doesn't it, to send out 95 relief crews in 73 days?

Mr. Harmon: Yes, sir.

Mr. Stone: They are paid for deadheading?

Mr. Harmon: Yes, sir.

Mr. Stone: And the crew is paid for being hauled in, are they not?

Mr. Harmon: Yes, sir, the same as though hauling a train.

Mr. Stone: Then it is done to keep up the high average of tonnage, is that the idea, or what is it?

Mr. Harmon: Well, it is a long division and they have six points where they take up and set out cars; that is, junction points, and the engines are large and the side tracks aren't very long, and they cannot always meet where they want to, and it is a single track railroad—all those things go to make the long hours.

Mr. Stone: So, the fact remains that most of these trains set out and pick up at six points on that division?

Mr. Harmon: Yes, sir, most of them do.

Mr. Stone: Then, they are mostly local freights, are they not?

Mr. Harmon: Yes, sir.

Mr. Stone: Or switching en route, whichever you choose to term it?

Mr. Harmon: Yes, sir.

Mr. Stone: Have you any motor cars on your road?

Mr. Harmon: Yes, sir.

Mr. Stone: What are they, gasoline motor cars?

Mr. Harmon: They are what they call gas-electric.

Mr. Stone: Are your motor cars used on main line and branch line service, both?

Mr. Harmon: Yes, sir.

Mr. Stone: Who operates the cars?

Mr. Harmon: Locomotive engineers.

Mr. Stone: What rate of pay do they receive for it?

Mr. Harmon: They receive the minimum passenger rate, $4.20, for 100 miles or less.

Mr. Stone: Do the rules and regulations applying to engineers in steam passenger service apply to motor car service?

Mr. Harmon: The rules governing engineers in steam service govern engineers in motor car service.

Mr. Stone: Are engineers now operating these gas-electric cars?

Mr. Harmon: Yes, sir.

Mr. Stone: Are your seniority rights interchangeable between steam and motor car service?

Mr. Harmon: They are.

Mr. Stone: Is it the practice of your company to have a sufficient number of engineers qualified to operate these motor cars at all times?

Mr. Harmon: Yes, sir.

Mr. Stone: Have you noticed any difference, Mr. Harmon, in the cost of living, between 1910 and the present time?

Mr. Harmon: Well, at Portage, where I board away from home, there is considerable competition there and we pay the same prices that we have always paid for our meals. I pay the same price for my room there that I have always paid. I have had the same room for a good many years.

Mr. Stone: So there has been no increase.

Mr. Harmon: Not there; not where I run; no, sir.

Mr. Stone: How about your living expenses at home; have they increased in any way?

Mr. Harmon: I very seldom have anything to do with the buying. I hear my wife complaining a good deal about what things cost.

Mr. Stone: You are so busy railroading you do not have time for marketing?

Mr. Harmon: I am too busy working and sleeping to pay much attention to that.

Mr. Stone: I think that is all, Mr. Chairman.

The Chairman: Mr. Sheean, the witness is with you.

CROSS EXAMINATION.

Mr. Sheean: Mr. Harmon, how long have you been an engineer?

Mr. Harmon: 22 years.

Mr. Sheean: How long were you a fireman?

Mr. Harmon: Well, I was about four years and nine months or ten months—something like that.

Mr. Sheean: You have operated a run on these different divisions, have you, on the Milwaukee, or have you always been on this Portage division?

Mr. Harmon: No, I have not always been there.

Mr. Sheean: And the other divisions you have described here, you have run on, at times?

Mr. Harmon: Yes, sir.

Mr. Sheean: How far do your seniority rights extend?

Mr. Harmon: Mine extend over what they call the Northern Division, which is about 249 miles, all told, main line and its branches.

Mr. Sheean: Just give us an idea of what that Northern Division is; what part of the Milwaukee system it comprises.

Mr. Harmon: Well, it is a local road. The main line runs from Milwaukee to Portage. There is another line that branches off at a place called Horicon that runs to Oshkosh, another branches out at a place called Iron Ridge and runs to Fond du Lac, and another branches out from the Oshkosh line to Berlin.

Mr. Sheean: Having a total mileage of about 249?

Mr. Harmon: About 249. I would not say for sure that is just it, but it is pretty close.

Mr. Sheean: Now, on the run that you now have, the largest style engine which is being used, in 1914, pays what rate, as compared with the engine, the largest sized engine, of the class of 1910?

Mr. Harmon: The largest size we used in 1910 paid $4.80 up to December.

Mr. Sheean: And the Mikado you are running now on that division—

Mr. Harmon: Pays $5.55.

Mr. Sheean: So that, on the same division, and with your time per trip about the same now that it was in 1910, you get $5.55 a trip instead of $4.80?

Mr. Harmon: Yes, sir.

Mr. Sheean: Now, on this division between Milwaukee and Savanna, this long division, there are quite a number of branch lines that come in at different points there, are there not, or intersections of different parts of the Milwaukee system?

Mr. Harmon: Well, of course, they run over what we call the C. C. & B. Illinois Division, to a place called Kittredge, from Savanna, and then the first branch line they have out of there is when you come to a place called Rockton, over through Rockford and Davis Junction. The next town, Beloit, there is a

branch that runs to Janesville, and then you have the Chicago and Janesville line crossing at a place called Bardwell.

Mr. Sheean: That is an intersection of lines of the Milwaukee road itself?

Mr. Harmon: Yes. Then there is another at Elkhorn.

Mr. Sheean: This division between Milwaukee and Savanna is a line of road which intersects the main line of the Milwaukee, does it not; it is not part of their Trans-Continental line at all?

Mr. Harmon: No. Years ago, I believe it was known as the Racine & Southwestern Railroad.

Mr. Sheean: What?

Mr. Harmon: Years ago, I believe it was an independent railroad running from Racine in there somewhere, and it was later made a part of the Milwaukee road.

Mr. Sheean: And practically all of the business that is handled on this line of road, running from Milwaukee in a southwesterly direction, down to Savanna, is a way freight, or a switching en route proposition, of taking up and distributing cars that come from other branches of the Milwaukee?

Mr. Harmon: Well, not altogether. They bring in all the through stuff for Milwaukee and points north of there, that comes from a southwesterly direction, and they take it out of Milwaukee for that same district.

Mr. Sheean: Between Milwaukee and Savanna, what cities or commercial points of any importance are there, that are on this line?

Mr. Harmon: Well, Beloit and Freeport are the two largest towns.

Mr. Sheean: At Beloit there is an intersection with a branch line?

Mr. Harmon: For Janesville, yes.

Mr. Sheean: —of the Milwaukee?

Mr. Harmon: Yes.

Mr. Sheean: Has there been any change in the size of the motive power on this division that you know of, since 1910?

Mr. Harmon: The Racine-South Western?

Mr. Sheean: Yes, sir.

Mr. Harmon: Yes; they had, I think, what we call a D-4

Compound in 1910—no, they had what we call a G-7 engine in 1910.

Mr. Sheean: What was the weight of that, by comparison with what they use there now?

Mr. Harmon: They were rated at a thousand tons.

Mr. Sheean: And what have they on that division now?

Mr. Harmon: Now, they have what they call the C-5, and L-2; they are both superheaters. One is a Consolidated and the other is a Mikado. The smallest one is rated at 1,350, and the Mikado at 1,600.

Mr. Sheean: Do you know whether or not there is any difference in the weight on drivers, or whether the superheater engine gives a higher rating than the saturated engines do of the same weight on drivers?

Mr. Harmon: I don't know as I just get that.

Mr. Sheean: Do you know whether or not these engines, the superheated engines that are being used there now, are heavier, the weights on drivers, than the engines that were there before?

Mr. Harmon: Oh, yes. The engines that were there in 1910, the G-7's, weighed something like—well, I can tell you exactly what they weighed. The G-7 that they had in 1910 weighed 141,000 pounds on the drivers.

Mr. Sheean: What is the weight of the superheated engine that they have there now?

Mr. Harmon: The C-5's, the smaller class, weigh 197,500; and the Mikados weigh 216,500.

Mr. Sheean: Then on that division they have some of the same engines that are on your division?

Mr. Harmon: Of the Mikados, yes.

Mr. Sheean: The Mikados?

Mr. Harmon: Yes.

Mr. Sheean: On your division, Mr. Harmon, the freights are all handled in a pool there, are they?

Mr. Harmon: No; mostly all assigned runs.

Mr. Sheean: Assigned runs?

Mr. Harmon: Yes.

Mr. Sheean: And those assigned runs, do they have definite leaving time from terminals?

Mr. Harmon: Yes.

Mr. Sheean: Assigned daily, are they?

Mr. Harmon: Some of them work daily. Most of them work daily except Sunday. My run works daily except Sunday.

Mr. Sheean: And that daily run except Sunday that you have, just give us the leaving hour and the time of arrival on that run.

Mr. Harmon: Well, we leave Milwaukee at 7:30 at night.

Mr. Sheean: And reach—

Mr. Harmon: We are supposed to get to Portage at 3:45 in the morning. It is very seldom we get there at that time.

Mr. Sheean: But that is the time that you are due at Portage?

Mr. Harmon: Yes, sir.

Mr. Sheean: 3:45 in the morning?

Mr. Harmon: Yes, sir.

Mr. Sheean: And on the return trip?

Mr. Harmon: We leave there at 4:15 in the afternoon.

Mr. Sheean: And reach Milwaukee at what time?

Mr. Harmon: We run extra on the return trip. We have no schedule, any more than to leave at 4:15.

Mr. Sheean: And get in in whatever time you can?

Mr. Harmon: Get in as soon as we can.

Mr. Sheean: What is the direction of traffic on that division? Does it predominate more in one direction than in the other? Is it heavier one way than the other?

Mr. Harmon: Well, I think as a rule the heaviest tonnage is westbound, for the entire division.

Mr. Sheean: So that you would ordinarily get back from Portage to Milwaukee, leaving at 4:15 in the afternoon, in a shorter time than going from Milwaukee to Portage?

Mr. Harmon: No, it takes longer.

Mr. Sheean: It takes longer?

Mr. Harmon: Yes. When we leave Portage every car we have in the train sets out somewhere before we get to Milwaukee, and we are supposed to try and get another train on the way in, bring in another one with it.

Mr. Sheean: You don't start out with tonnage from Portage to Milwaukee then?

Mr. Harmon: We start out with tonnage, if it is there.

Mr. Sheean: Well, if it is there, but what about its being there, Mr. Harmon?

Mr. Harmon: It varies. Sometimes we don't get full tonnage. Sometimes lately we have had to leave cars over there. That is, with the Mikado we take seventy long, or the tonnage.

Mr. Sheean: That run pays about how much, Mr. Harmon?

Mr. Harmon: Between $140 and $150 a month.

Mr. Sheean: Running daily except Sunday?

Mr. Harmon: Yes, sir, that is about what I get out of it. I don't always work the full month.

Mr. Sheean: If you did work the full month, what is there in the run?

Mr. Harmon: It would pay a little better. It would pay about $150.

Mr. Sheean: About $150?

Mr. Harmon: Yes.

Mr. Sheean: Let me see; what is the weight on that engine you run there?

Mr. Harmon: $5.55.

Mr. Sheean: What is it?

Mr. Harmon: $5.55.

Mr. Sheean: $5.55. And that is a 26-day month, practically, on that run?

Mr. Harmon: Yes, sir.

Mr. Sheean: Where are these gasoline cars that you speak of; how many of them are there in service?

Mr. Harmon: I believe we have seven.

Mr. Sheean: On what divisions?

Mr. Harmon: There is one that is working between Racine and Corliss. That is twenty-three miles from Milwaukee. That runs from Corliss to Racine. It connects with the main line of the Chicago division there. That is the only one that I know just what it is doing, or where it is. I know they bought six or seven of them and distributed them around different parts of the system.

Mr. Sheean: That is the entire Milwaukee system that has seven?

Mr. Harmon: Yes.

Mr. Sheean: And this one gasoline car that you speak of there, just what does it do at Corliss?

Mr. Harmon: Why, it makes about seven round trips a day to connect with the main line trains between Chicago and Milwaukee, at Corliss.

Mr. Sheean: And the length of the run it makes each time is about twenty-three miles?

Mr. Harmon: No, the round trip is about fourteen miles.

Mr. Sheean: The round trip about fourteen miles?

Mr. Harmon: Yes.

Mr. Sheean: Is this motor a combination of car and motor? Just describe it?

Mr. Harmon: It is a combination of engine and baggage car and coach.

Mr. Sheean: Are the other six, so far as you know, the same?

Mr. Harmon: They are all the same, except I believe there are two that have a mail compartment in addition, one or two that have a mail compartment in addition to the baggage compartment.

Mr. Sheean: And they are all, so far as you know, used to fill some such requirement as that one you have knowledge of at Corliss, and running down to meet passenger trains?

Mr. Harmon: Yes, they all take the place of a train that was formerly operated under steam.

Mr. Sheean: Over some short run of that sort, a round trip of fourteen miles or a round trip of twenty miles, something of that kind?

Mr. Harmon: I understand that there is one that is used right in main line service, but I can't say where that is.

Mr. Sheean: But the others, so far as you know, are in this branch line operation?

Mr. Harmon: I think there are two that are in main line service. One on the Dubuque division.

Mr. Sheean: On what division?

Mr. Harmon: One on the Dubuque division, I believe, and one up on the H. & D. Division, although I don't know from seeing them there that they are there.

Mr. Sheean: I think that is all.

REDIRECT EXAMINATION.

Mr. Stone: I understood you to say that the highest rate paid on the division in 1910 was $4.80?

Mr. Harmon: No, I didn't say that. I said the class of engine that I was running, that was as I understood his question.

Mr. Stone: You were not running the heaviest class of engine on that division then in 1910?

Mr. Harmon: No, there was one class that was heavier.

Mr. Stone: What rate was that engine carrying?

Mr. Harmon: That carried ten cents a day more.

Mr. Stone: That would be $4.90?

Mr. Harmon: Yes.

Mr. Stone: Then the Mikado came and now takes a $5.55 rate?

Mr. Harmon: Yes.

Mr. Stone: That would be an increase of 65 cents a hundred over the highest rate paid in 1910?

Mr. Harmon: Yes.

Mr. Stone: Or about 15 per cent increase in wages, in the rate?

Mr. Harmon: Yes.

Mr. Stone: And for that 15 per cent they got an increase in tonnage of 890 tons, is that correct?

Mr. Harmon: Yes, sir.

Mr. Stone: Or about 83 per cent in tonnage?

Mr. Harmon: Yes, sir.

Mr. Stone: I believe you stated you had worked four years and ten months as a fireman?

Mr. Harmon: Well, I started firing the 3rd of October, 1887, and I was called in for examination the last day of August in 1892.

Mr. Stone: Are men still promoted as promptly as that, as engineers, at the present time?

Mr. Harmon: Yes, sooner than that.

Mr. Stone: They are promoted and actually go to running, or are made paper engineers, which?

Mr. Harmon: No, they don't get any running, but they are called in and qualified.

Mr. Stone: They are called in and qualified?

Mr. Harmon: Yes.

Mr. Stone: Is it not a fact that you have engineers back firing on your division who have been actual engineers, not paper

engineers, I don't mean, but actual engineers for a number of years, that are back firing now?

Mr. Harmon: Yes, I have had an engineer firing for me nearly all the time for the last two years.

Mr. Stone: Is it not a fact that the introduction of this heavy power has made a reduction in the number of men required to handle the tonnage over that division?

Mr. Harmon: Yes, sir.

Mr. Stone: There are not nearly so many engines in the service as there were in 1910, are there?

Mr. Harmon: No, sir.

Mr. Stone: So, by the introduction of this heavier power, they have increased the productive efficiency of the individual man?

Mr. Harmon: Yes, sir.

Mr. Stone: That is all.

Mr. Sheean: That is all.

The Chairman: Call your next witness.

(Witness excused.)

C. W. RICHARDSON was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer C. W. Richardson, of the Duluth, South Shore & Atlantic Railway.

Mr. Richardson, you are at the present time in the employ of the Duluth, South Shore & Atlantic Railway?

Mr. Richardson: Yes, sir.

Mr. Stone: What class of service are you in?

Mr. Richardson: Freight service.

Mr. Stone: How many years have you been in this service?

Mr. Richardson: Eleven years as an engineer.

Mr. Stone: Talk a little louder and face the Board. Eleven years in freight service?

Mr. Richardson: Well, eleven years in service; part of that time, for a year about, was in switch service. I have been running eleven years.

Mr. Stone: And you are back on the extra list now, are you not?

Mr. Richardson: Yes, sir.

Mr. Stone: So, after eleven years as an engineer in actual service, you find yourself on the extra board?

Mr. Richardson: Yes, sir.

Mr. Stone: Caused by what?

Mr. Richardson: Increase of power, principally.

Mr. Stone: What class of engine are you now running?

Mr. Richardson: On the extra board I run all classes of engine, from 68,000 pounds on the drivers, to 186,000 pounds on the drivers.

Mr. Stone: Has there been any material change in the tonnage rating on your division since 1910?

Mr. Richardson: Not as regards to engines of the same class. In 1913, there were twelve superheater engines bought and put in service, which handled 60 per cent more tonnage than the engines they displaced.

Mr. Stone: You say the tonnage has been increased by placing larger engines in use, by 60 per cent?

Mr. Richardson: Yes, sir.

Mr. Stone: That would be a pretty hard matter to prove, would it, or can it be easily proved?

Mr. Richardson: Well, it could be easily proven. We still have engines which handle within fifteen per cent of that which we had previous to the time those heavy engines were secured, but those twelve new engines displaced engines which handled sixty per cent less tonnage.

Mr. Stone: What was the rate of the old engine, do you recall what was the rate on the old engine?

Mr. Richardson: Do you refer to the—

Mr. Stone: To the price you were getting, in 1910, on the old engine.

Mr. Richardson: $4.40.

Mr. Stone: And what rate are you getting on this new engine that handled sixty per cent more?

Mr. Richardson: $5.30.

Mr. Stone: $5.30?

Mr. Richardson: Yes, sir; when the rate was $4.40 on the small engine, it was $4.90 on the large engine.

Mr. Stone: Have the hours of service increased since 1910?

Mr. Richardson: Yes, sir.

Mr. Stone: What is the cause of it?

Mr. Richardson: It takes longer to get over the run with the longer trains than it did with the shorter ones.

Mr. Stone: Is it not true that it seems to be the general opinion of the despatchers on duty that sixteen hours is the minimum instead of the maximum?

Mr. Richardson: That is our experience on our road. The men claim, or, rather, they call it the minimum rather than the maximum, due to the fact that they are usually used that long.

Mr. Stone: What were your average monthly earnings on the small engine?

Mr. Richardson: About $145.

Mr. Stone: What is the average earnings for all the men in freight service up there; could you give an idea?

Mr. Richardson: I figured the average from the time card, knowing the conditions where extra work is done, and it averaged $151 for freight men and $163 for passenger men; the passenger rate would be approximately correct; the freight men's average would really run higher on account of overtime.

Mr. Stone: Then, I would understand that you based the average monthly earnings on the time card mileage, and overtime is not considered?

Mr. Richardson: No.

Mr. Stone: Are you prepared to say that heavier engines cause you to be longer on the road than formerly?

Mr. Richardson: Yes, sir.

Mr. Stone: What are your usual hours on duty?

Mr. Richardson: Twelve, fourteen and up to sixteen hours.

Mr. Stone: Well, the schedules of your trains are not that long, are they?

Mr. Richardson: Most of our time freights are scheduled twelve hours.

Mr. Stone: But you hardly ever make the schedule?

Mr. Richardson: We do, at times.

Mr. Stone: Does the company relieve you from the care of your engine when tied up under the law?

Mr. Richardson: They do, when it is possible.

Mr. Stone: Does the company make it a point to tie you

up at places on the road where you can get hotel accommodations and board?

Mr. Richardson: If the despatcher is satisfied we cannot make the terminal, he will tie us up at a point where there is an engine watchman and hotel accommodations. It frequently occurs that we have to tie up under the law, due to unforeseen delays, where there is no watchman and no hotel accommodations.

Mr. Stone: In a case of that kind, who watches the engine?

Mr. Richardson: The fireman.

Mr. Stone: Perhaps the hardest worked man on the crew still has to continue on duty?

Mr. Richardson: Yes, sir; he watches the engine, and if the crew is tied up eight hours for rest, they send another fireman to relieve him when the crew goes to work.

Mr. Stone: Then, by that method of operating, he loses out on his next day's work as a fireman?

Mr. Richardson: Yes, sir. If we get within a short distance of the home terminal, they will send a crew after the train, or have a following train pick them up and tow them in; in which instance the crew stays on their engine and is towed in.

Mr. Stone: Coming back to that question of the fireman, who shovels coal on that heavy engine for sixteen hours, and you are tied up under the law, he watches the engine eight hours longer, in cold winter weather, does he?

Mr. Richardson: Yes, sir; or until he is relieved, until they can relieve him by sending a man.

Mr. Stone: And, oftentimes they cannot send a man, no trains running?

Mr. Richardson: Yes, sir.

Mr. Stone: Why do they call the fireman to watch this engine, instead of the engineer?

Mr. Richardson: On account of the cheaper rate, I presume.

Mr. Stone: When you are tied up under the law, where do you sleep?

Mr. Richardson: If there are hotel accommodations we go there; if not, into the caboose, usually.

Mr. Stone: Are tie-ups under the law quite frequent on your road?

Mr. Richardson: During the hard winter weather.

Mr. Stone: You have severe weather in that country up there, do you not?

Mr. Richardson: Yes, sir; it is very severe from the first of December and sometimes the first of November, until the first of April.

Mr. Stone: About how cold does it get up there?

Mr. Richardson: Not infrequently down to 38 and 40 degrees.

Mr. Stone: Below zero?

Mr. Richardson: Below zero; yes, sir.

Mr. Stone: In handling these trains with the heavy power, in your judgment, has your responsibility been increased?

Mr. Richardson: Yes, sir.

Mr. Stone: In what way?

Mr. Richardson: Well, it requires a great deal more attention and skill to handle longer trains, in starting the train, so that every car starts one at a time, in order to avoid damaging draft gear, and more skill and care must be used in stopping, in order to avoid breaking in two. In switching and looking for signals, the man who is giving the signal is usually further away.

Mr. Stone: Have you any terminal delay on your road?

Mr. Richardson: We get a terminal delay when making mileage only, after twenty minutes has elapsed for getting from where the train is set out to the engine house.

Mr. Stone: You are allowed twenty minutes?

Mr. Richardson: Yes.

Mr. Stone: After more than twenty minutes you get mileage?

Mr. Richardson: After twenty minutes we get mileage.

Mr. Stone: Actual miles?

Mr. Richardson: A mile for each six minutes.

Mr. Stone: Delay?

Mr. Richardson: Yes.

Mr. Stone: But, unless the twenty minutes is exceeded after your arrival, you get no terminal delay?

Mr. Richardson: No.

Mr. Stone: Your time is counted from when, from the time you are called, or from the time you are called to be on

duty. For example, if you were called to leave at 7 o'clock this morning, when would your time begin?

Mr. Richardson: At 6:30, on revenue freight only, when handling revenue freight.

Mr. Stone: And you are paid that thirty minutes as an arbitrary, or if it runs into overtime?

Mr. Richardson: It is arbitrary, on revenue freight only.

Mr. Stone: When it gets down to about forty below zero, it is a pretty hard job to fire an engine in that kind of weather, is it not?

Mr. Richardson: Yes, it is very hard. The thing is frozen up, unless the engine is in the house.

Mr. Stone: Well, do you ever get them ready outside the roundhouse?

Mr. Richardson: Yes, sir; there are times when it is necessary, especially when we are tied up at a number of places, where we cannot get the engine in the house, or we are all snowed up at night when we get in, and they are still snowed up in the morning. On some of the engines we have a steam hose, and it is necessary to use that in order to get oil on them and get the grease cups filled. Where we have not a steam hose it is necessary to make a torch out of oil waste and light it up and thaw out the joints, in order to get oil on them.

Mr. Stone: You mean by that that they become so coated over with snow and ice that it is impossible to get oil into the bearings at all?

Mr. Richardson: Yes, sir.

Mr. Stone: And you have either to thaw it off with a torch made of burning waste or else with the steam hose?

Mr. Richardson: Yes, sir.

Mr. Stone: And it is a nice job, when the thermometer is forty below zero, thawing out an engine with a steam hose, is it not?

Mr. Richardson: Rather disagreeable, yes.

Mr. Stone: You get soaking wet if you keep it up long enough, do you not?

Mr. Richardson: Yes, sir.

Mr. Stone: How long are you called before leaving time?

Mr. Richardson: Two hours.

Mr. Stone: For example, you were going to leave at 7 o'clock this morning, you would be called at 5 o'clock.

Mr. Richardson: At 5 A. M.

Mr. Stone: How long do you generally figure on being on your engine before leaving time?

Mr. Richardson: At least fifty minutes.

Mr. Stone: Then, I would understand from that, although you are only allowed an arbitrary allowance of thirty minutes, that you feel that it requires fifty minutes to get ready?

Mr. Richardson: Yes, sir. We are obliged to fill lubricators, trim electric headlight, see that all necessary supplies and flags and torpedoes and necessary things for protecting the train on the road are on, and fill all the grease cups, oil the engine, and take her out of the house.

Mr. Stone: And do your own hostling?

Mr. Richardson: Yes, sir.

Mr. Stone: In regard to switching service on your road, you have a number of switch engines on your railroad, have you not?

Mr. Richardson: Yes, sir.

Mr. Stone: All kinds and sizes?

Mr. Richardson: Yes, sir.

Mr. Stone: You have some very heavy power in switch engine service, have you not?

Mr. Richardson: We have only one very heavy engine in switching service; a number of them are medium size.

Mr. Stone: And the rate is the same for all?

Mr. Richardson: The rate is the same for all.

Mr. Stone: What is that rate?

Mr. Richardson: Four dollars.

Mr. Stone: For a ten-hour day?

Mr. Richardson: For a ten-hour day.

Mr. Stone: That is just the same as the fireman gets for firing a Mallet engine in the yard, is it not?

Mr. Richardson: We have no Mallet engines. I do not know what the rate is.

Mr. Stone: In your judgment, have they increased the size of switch engines since 1910?

Mr. Richardson: Yes, they put a class of road engines into the yard which were heavier.

Mr. Stone: How long ago was that?

Mr. Richardson: About a year ago, I believe.

Mr. Stone: In your judgment, did this putting of this road engine in the yard as a switch engine increase the work of the engine crew in yard service?

Mr. Richardson: Yes, it did. It is much more inconvenient to handle a road engine in yard service, on account of the arrangement of the cab fixtures and the air brake; a switch engine usually has a sloping tank, and a road engine has a high tank, which is hard to see over. The road engines, the ones I referred to, are heavier than the ones which were previously used in the yard; they handle more cars and it makes it harder for the engineer to see a signal, when the man who is giving the signal is further away.

Mr. Stone: Well, it makes it necessary for a man to lean clear out the side of the cab in order to catch signals at all around that big tank, does it not?

Mr. Richardson: Yes.

Mr. Stone: It is also true that the clearance is very close in these yards, which increases the risk, does it not?

Mr. Richardson: Yes.

Mr. Stone: I believe you stated the rate was four dollars. How does it come that the Duluth, South Shore & Atlantic is not paying $4.25, the same switching rate as the other roads?

Mr. Richardson: We have never been able to secure that much money.

Mr. Stone: Have you any mine runs on your road?

Mr. Richardson: Yes, sir, we have quite a number of them in the summer time, in the iron ore business.

Mr. Stone: What rate of pay are they allowed for this service?

Mr. Richardson: The switching rate, four dollars.

Mr. Stone: They are not paid the road rate, then?

Mr. Richardson: In speaking of mine runs, you mean where the engine is used in gathering the ore and bringing it to the main line?

Mr. Stone: Yes.

Mr. Richardson: That is as I understood you.

Mr. Stone: That is all done for the switching rate?

Mr. Richardson: Yes, sir.

Mr. Stone: Has there been any increase in the cost of living in your part of the country since 1910?

Mr. Richardson: Yes, sir; there has been a considerable increase. There are only two places that I recall where the rate has remained the same, and that is where there are company houses maintained. At all other places the rate has increased at least 40 per cent.

Mr. Stone: That is, outside of the two eating houses maintained by the company?

Mr. Richardson: Yes, sir; and I feel safe in saying that where the rate has not increased the quality has decreased to the same extent.

Mr. Stone: How about your living expenses at home; have they increased?

Mr. Richardson: They have increased materially during the last few years.

Mr. Stone: You are not living any better than you did before, are you?

Mr. Richardson: I cannot say that I am.

Mr. Stone: So it is simply the increase in the cost of the same character of living?

Mr. Richardson: Yes, sir.

Mr. Stone: You say you are back on the extra board, after eleven years actual experience as an engineer?

Mr. Richardson: Yes, sir.

Mr. Stone: Due to what? Due to heavy power?

Mr. Richardson: Yes, sir.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: When did you go back to the extra board?

Mr. Richardson: I was displaced on my regular run along, I believe it was, in April last year.

Mr. Sheean: In April, 1914?

Mr. Richardson: Yes, sir.

Mr. Sheean: What change in power on that road took place at or near April, 1914?

Mr. Richardson: There was no change in power at that time. This heavy power that I speak of was put in the service the previous summer.

Mr. Sheean: What time was it installed?

Mr. Richardson: About the middle of the summer; about June or July, I believe.

Mr. Sheean: June or July, 1913?

Mr. Richardson: Yes, sir.

Mr. Sheean: And what was the power and the number of engines installed in June or July, 1913?

Mr. Richardson: They were a superheater engine, 164,350 pounds on drivers.

Mr. Sheean: How many engines were put on the division on which you were running?

Mr. Richardson: Not on that division alone.

Mr. Sheean: Well, how many engines were put on the entire railroad?

Mr. Richardson: They were put in the service on the entire railroad, twelve.

Mr. Sheean: What engines did those twelve superheaters displace?

Mr. Richardson: They displaced an engine weighing 84,000 pounds on drivers, with a tractive power of 21,000.

Mr. Sheean: In regard to the 84,000 pounds on drivers engine, where was that engine used in freight service?

Mr. Richardson: They were used on all runs.

Mr. Sheean: How many on your division?

Mr. Richardson: Two steadily, and the one I was on, three men on there, they put two on there steady, and at times there were three on the run.

Mr. Sheean: What became of these 84,000 pounds on drivers engines?

Mr. Richardson: Some of them were put in switching service and some of them out of service entirely.

Mr. Sheean: Just junked?

Mr. Richardson: Yes, sir.

Mr. Sheean: How old were those 84,000 pounds on drivers engines?

Mr. Richardson: Considerably older than I was in the service.

Mr. Sheean: Of a type and style not being turned out by any locomotive builders at the present time?

Mr. Richardson: I don't believe they are building any at the present time.

Mr. Sheean: How many years since the type and style of the 84,000 pounds on drivers engines were being built and turned out for railroads?

Mr. Richardson: I could not say as to that.

Mr. Sheean: Well, how long since you have seen any new engines of that type and style being put on any railroad?

Mr. Richardson: Of the smaller type?

Mr. Sheean: Yes, the 84,000 pounds on drivers.

Mr. Richardson: Why, I don't believe they are building them any more.

Mr. Sheean: And have not been for a good many years, have they, Mr. Richardson?

Mr. Richardson: No.

Mr. Sheean: Now, the time that is made on this run that you have, runs anywhere from twelve to sixteen hours?

Mr. Richardson: The schedule is twelve hours, and it ran from twelve to sixteen hours, in making it. Of course we never exceeded the schedule.

Mr. Sheean: In 1910 what was the time on the road?

Mr. Richardson: The schedule was the same.

Mr. Sheean: The schedule was twelve hours?

Mr. Richardson: Yes, sir, and has been for years.

Mr. Sheean: Every time you ran that run in twelve hours you drew two hours' overtime?

Mr. Richardson: No.

Mr. Sheean: What is it?

Mr. Richardson: No.

Mr. Sheean: What is the run you make?

Mr. Richardson: The division is 133 miles.

Mr. Sheean: 133 miles?

Mr. Richardson: Yes.

Mr. Sheean: Well, any time that you ran into overtime, both before and since 1910, how much pay were you drawing in overtime in 1910, on these 84,000 pounds on drivers engines?

Mr. Richardson: In speaking of 1910, do you mean after the last increase?

Mr. Sheean: No, before the increase was given you—that was given December 24, 1910?

Mr. Richardson: Yes, sir.

Mr. Sheean: Now, when you ran into overtime and were paid by the hour on any of these trips, in 1910, what rate per hour were you being paid on that 84,000 pounds on drivers engine?

Mr. Richardson: 44 cents.

Mr. Sheean: What are you being paid per hour now, if it runs into overtime?

Mr. Richardson: With the same class?

Mr. Sheean: No, with the class you are operating there now.

Mr. Richardson: I operate on all kinds of engines.

Mr. Sheean: You don't have any 44 cents an hour engines, do you?

Mr. Richardson: Oh, yes; we still have those engines; they haven't all been replaced.

Mr. Sheean: How many of them have you there?

Mr. Richardson: There are about forty of those engines, but they are not all being used at the present time.

The Chairman: Mr. Sheean, will you please suspend. We will take a recess until 2:30 o'clock P. M.

(Whereupon, at 12:30 o'clock P. M., a recess was taken until 2:30 o'clock P. M.)

After Recess.

The Chairman: The witness is with you, Mr. Sheean.

C. W. RICHARDSON was recalled for further examination and, having been previously sworn, testified as follows:

Mr. Sheean: Mr. Richardson, what run was it that you had, prior to going on the extra list, between what points?

Mr. Richardson: Between Marquette and Thomaston.

Mr. Sheean: Pardon me.

Mr. Richardson: Between Marquette and Thomaston.

Mr. Sheean: And what kind of a run was that?

Mr. Richardson: Time freight.

Mr. Sheean: Time freight?

Mr. Richardson: Yes, sir.

Mr. Sheean: How long were you on that run?

Mr. Richardson: Nearly two years.

Mr. Sheean: Do the same number of time freights operate on that division all the time?

Mr. Richardson: They have for quite a number of years; yes, sir.

Mr. Sheean: When was the number of time freights reduced?

Mr. Richardson: There has not been any reduction in the number of time freights on the schedule.

Mr. Sheean: It was a reduction of what trains that caused your demotion to the extra list?

Mr. Richardson: Due to the fact that the heavy power handled more cars. There were quite a number of men, and I, myself, held to the extra list for a number of years, when I could have held a regular run, but preferred the extra list because of the smaller engines that made better mileage and got over the road quicker; and we preferred them to the regular runs. When the heavier power came in and they took longer to get over the road, I, and a number of others, went to the regular run and held it, at least I did until I was displaced by an older man.

Mr. Sheean: Then you elected to go to the regular run back about 1911?

Mr. Richardson: About that time, 1911 or 1912.

Mr. Sheean: 1911 or 1912?

Mr. Richardson: Yes; I don't remember just exactly.

Mr. Sheean: Previous to that time, your seniority entitled you to take a regular run, but you preferred to work on the extra list?

Mr. Richardson: Yes, sir.

Mr. Sheean: And, at the present time, your seniority would entitle you to a regular run?

Mr. Richardson: No, sir.

Mr. Sheean: What reduction has there been in the number of regular runs? What trains have been taken off?

Mr. Richardson: There have been three local runs taken off, regular runs.

Mr. Sheean: Three local runs?

Mr. Richardson: Yes, sir.

Mr. Sheean: Those are between what points, and when were they taken off?

Mr. Richardson: They are annulled by bulletin; they are still on the time card.

Mr. Sheean: When were they annulled?

Mr. Richardson: They have been run irregularly for, I believe, two months now.

Mr. Sheean: Back of two months ago, what reduction was there in the last three years in the number of assigned or regular trains?

Mr. Richardson: I don't believe that there has been any change, in fact there has not been, in the number of trains on the time card. A great deal of our business is done with extras, outside of the time freight and local on each division.

Mr. Sheean: Back, as far as 1911, your seniority entitled you to take one of the regular assigned runs?

Mr. Richardson: Yes, sir.

Mr. Sheean: You elected not to take that so that a man below you on the list did take the regular assignment?

Mr. Richardson: Yes, sir.

Mr. Sheean: You, of your own volition, stayed in the pool at that time?

Mr. Richardson: Yes, sir.

Mr. Sheean: Then, in 1912, you exercised your seniority, and took a regular run?

Mr. Richardson: Yes, sir.

Mr. Sheean: And that regular run was one that was taken off the card within the last month or two?

Mr. Richardson: No, not that regular run; not that particular run.

Mr. Sheean: How did you happen to lose that regular run that you had?

Mr. Richardson: Due to the fact that older men, who had remained on the extra list, took the regular run. There is very, very light work on the extra runs, and those older men went to the regular runs.

Mr. Sheean: Then, it was due to the fact that a number of men, previous to 1911 or 1912, had preferred to stay on the extra board, instead of taking the regular assignment that their seniority entitled them to?

Mr. Richardson: Yes, sir.

Mr. Sheean: And, since that time, they have exercised the

right of taking a regular run, instead of remaining in the pool?

Mr. Richardson: Yes, sir, due to the fact that there is very little doing in the pool.

Mr. Sheean: Well, in the pool, there has been on the Duluth, South Shore & Atlantic, for a number of years, a provision in the schedule, has there not, whereby the extra list is kept down to such a number as to provide 26 days per month to those in the pool?

Mr. Richardson: There is a provision in the schedule, but it has not always been done.

Mr. Sheean: At what time was any request made by the men on the Duluth, South Shore & Atlantic to reduce the pool so as to give 26 days, and which request was declined by the company?

Mr. Richardson: Our business there fluctuates there a great deal. There are times when there will be quite a number on the list and they will be very busy, and then it will slow up again and there will be so many men on the list that there are not sufficient runs for them to make the 26 days, and this request comes quite frequently to the roundhouse foreman, it is generally left to him, I believe, and is at times taken to the superintendent of motive power; but I cannot say that they have refused to cut the list.

Mr. Sheean: You have never known a case of refusal where request was made by the men?

Mr. Richardson: No, I cannot say that I do, where it has been made strong.

Mr. Sheean: Then the reason that the older men, yourself among them, back in 1911, remained on the extra list was because the earnings in the pool were larger than you would obtain on the regular assignment?

Mr. Richardson: I made much more money when I was running in the pool than I have since on the regular run.

Mr. Sheean: Well, that was the reason that induced you to stay there at that time?

Mr. Richardson: That was the reason; yes, sir.

Mr. Sheean: And you continued running on the extra list how long a time after your seniority entitled you to take a regular run, if you wanted it?

Mr. Richardson: Well, there were various times for a num-

ber of years when I could have secured a regular run, by exercising my seniority rights.

Mr. Sheean: How far back?

Mr. Richardson: Oh, probably five or six years.

Mr. Sheean: And upon your failing to exercise your rights, it went down the list below you, until some one was found who did exercise the right to take the regular run?

Mr. Richardson: Yes, sir.

Mr. Sheean: Now, you spoke of tie-ups being frequent on the Duluth, South Shore & Atlantic. Just what do you mean by tie-ups being frequent?

Mr. Richardson: Well, during the winter months we have quite a number of tie-ups there.

Mr. Sheean: What do you mean by quite a number?

Mr. Richardson: Why, possibly two or three on one day.

Mr. Sheean: Well, how many through a fiscal year?

Mr. Richardson: I could not say.

Mr. Sheean: Would tie-ups run up to anything like one per cent of the entire trains operated on the road?

Mr. Richardson: I think so. I think it would run more.

Mr. Sheean: More than one per cent?

Mr. Richardson: I think so.

Mr. Sheean: In a particular month, I mean spread out through a year?

Mr. Richardson: Spread through the year?

Mr. Sheean: Yes.

Mr. Richardson: I feel safe in saying that it would.

Mr. Sheean: But you have kept no record or made no investigation?

Mr. Richardson: No, I have no definite record.

Mr. Sheean: During the entire fiscal year ending December 31, 1913, would you say that about 11,000 freight trains operated was about the number operated through that year?

Mr. Richardson: I could not say as to that, nor without—

Mr. Sheean: Would you say that the total number of trains on that railroad which were between terminals more than sixteen hours, including all those, whether tied up or for what cause, between terminals more than sixteen hours, was as low as 80, out of a total of 11,000?

Mr. Richardson: I could not give anything definite in regard to that, because I did not take the trouble to—

Mr. Sheean: You are just speaking from your general impression?

Mr. Richardson: The general conditions as we saw them during the last few years, that they have been greater in number.

Mr. Sheean: Greater in number in 1913 and 1914 than they were in 1910?

Mr. Richardson: Since the heavier power has been secured.

Mr. Sheean: Well, if in fact, the total number during the whole year of 1913 was less than 80, out of a total operation of over 11,000 trains, how low would you say it was back in 1910?

Mr. Richardson: I don't believe I get you on that, Mr. Sheean:

Mr. Sheean: Well, I understood you to say that there were more in 1913 than there were in 1910. If the records of that road show that the total number of trains which were on the road more than sixteen hours between terminals was less than 80, and that the total number of trains operated was over 11,000, how much lower than that proportion would you say the operation, in 1910, was, where the sixteen hour limit was exceeded?

Mr. Richardson: I would not attempt to give anything more than a general impression from the information I have.

Mr. Sheean: That is all you intended to convey in response to the question of Mr. Stone, that tie-ups were of frequent occurrence?

Mr. Richardson: They are during certain months of the year. As to a comparison, I would not attempt to say in percentages what they were over a number of years ago.

Mr. Sheean: You spoke of a mine run on the road on which you worked; just tell us what you mean by a mine run, describe the operation which you had in mind.

Mr. Richardson: Those mine runs, they are called switch engines there, because they are classified as switch engines. They take the empties from where the main line trains set them out.

Mr. Sheean: Take the particular run you have in mind, the starting point, give that, and where they go to and what they do.

Mr. Richardson: Well, the switch engine leaves South Ishpeming at 7 A. M., and they run light to Negaunee.

Mr. Sheean: How far?

Mr. Richardson: Three miles.

Mr. Sheean: That is on the main line?

Mr. Richardson: Yes, sir.

Mr. Sheean: Three miles?

Mr. Richardson: Yes, sir. They take the empties from the side track where the road crew sets them out, take them to the mine and place them, gather the loads and haul them to the main line sidings for the road crews to get.

Mr. Sheean: Now, you have gone from South Ishpeming to—

Mr. Richardson: To Negaunee.

Mr. Sheean: A distance of three miles?

Mr. Richardson: Yes, sir.

Mr. Sheean: Now, that string of empties is set on the siding at Negaunee?

Mr. Richardson: I beg your pardon. The engine runs light. The empties run the other way. They come to South Ishpeming to tie up.

Mr. Sheean: You leave South Ishpeming with a light engine?

Mr. Richardson: Yes, sir.

Mr. Sheean: And go out three miles?

Mr. Richardson: Yes, sir.

Mr. Sheean: Then what do you do after going out the three miles with the light engine?

Mr. Richardson: You get the switching crew there.

Mr. Sheean: That is, the engine has just the engineer and fireman, who have gone the three miles?

Mr. Richardson: Yes, sir.

Mr. Sheean: And at Negaunee you pick up the switching crew, the foreman and two switchmen?

Mr. Richardson: Yes, sir.

Mr. Sheean: Then, what is done?

Mr. Richardson: Go to the siding where the road crew set out the empties, get a train of empties and take them to the mines and place them.

Mr. Sheean: How far is it to the mine?

Mr. Richardson: It would range all the way from half a mile to I believe four miles.

Mr. Sheean: Depending upon what particular mine or what number of mines—

Mr. Richardson: Number of mines.

Mr. Sheean: Then, what is done?

Mr. Richardson: They gather the loads and take them back to the main line and put them on the side track.

Mr. Sheean: Take them back to the main line at Negaunee?

Mr. Richardson: Yes, sir.

Mr. Sheean: Then, after placing them there, the engine goes back light to South Ishpeming, does it?

Mr. Richardson: They continue that a number of times during the day. They work from ten to twelve or thirteen hours.

Mr. Sheean: They run out from South Ishpeming, a distance of three miles, to Negaunee?

Mr. Richardson: Yes, sir.

Mr. Sheean: And then, on the line or branch that goes to these different mines, from one to four miles—

Mr. Richardson: Yes, sir.

Mr. Sheean: —they set out and pick up cars, taking the empties from the siding where the road crew leaves them?

Mr. Richardson: Yes, sir.

Mr. Sheean: And, bringing back to that siding and assembling the loaded cars?

Mr. Richardson: Yes, sir.

Mr. Sheean: Then they are switching all the time from the time they get to Negaunee?

Mr. Richardson: They call it switching, but it is not what is generally considered switching.

Mr. Sheean: Just how is that any different from a crew going out and assembling, from any number of industries, a number of cars, and putting them on a siding for the road crews?

Mr. Richardson: They are handling larger units; larger bunches of cars at the time, and they are not in a freight yard, for instance, with a switch engine making up trains. Their work is considerably different. Their work is more like road work.

Mr. Sheean: The total road operation there is from one to four miles, to these different mines along this branch road, is it?

Mr. Richardson: Yes, sir, the branches.

Mr. Sheean: Along the branches?

Mr. Richardson: Yes, sir.

Mr. Sheean: They are setting in empties and taking out loads?

Mr. Richardson: Yes, sir.

Mr. Sheean: And bringing them down to the main line?

Mr. Richardson: Yes, sir.

Mr. Sheean: And setting them upon the assembly track there?

Mr. Richardson: Yes, sir, you are right.

Mr. Sheean: Now, they do not do anything other than that in the mine run operations that you have in mind?

Mr. Richardson: There are a number that do not. There is one crew in both the Ishpeming and Negaunee yards that does both station switching and mine run.

Mr. Sheean: In what way does the station switching at Negaunee differ from the switching of these cars to and from the mines?

Mr. Richardson: The station switching at Negaunee is handling a few cars at a time. It is spotting a car in different places, on team tracks and warehouses, and switching cars out for main line trains. The mine run engine is really handling a road train; they come along and couple up to her and will take twenty-five or thirty cars out to a mine, setting them out there, and take a train of cars back.

Mr. Sheean: That is, they will take them out anywhere from one to four miles?

Mr. Richardson: Yes, sir.

Mr. Sheean: Dropping off some of them at one of the mines on the way, and going on to another; or, when you spoke of the distance varying from one to four, did you mean going to different mines at different times in the day?

Mr. Richardson: There is one branch that is about four miles long. They would in many instances take a train, a full train, out there and bring all they could handle, back.

Mr. Sheean: From the mine further south on that branch?

Mr. Richardson: From that particular mine; that is, where

a steam shovel would be loading from stock piles, or supplying it for the pockets.

Mr. Sheean: Does this engine that you spoke of, does that, on taking the empties out there, proceed to spot the cars as they are loaded from the steam shovels, or does it simply deliver them at the mines?

Mr. Richardson: They deliver them at the mines, but when there is a steam shovel working they have a spotting engine there.

Mr. Sheean: A spotting engine out at the mine?

Mr. Richardson: Yes.

Mr. Sheean: That is operated in connection with the mine operation?

Mr. Richardson: No, sir; the railroad company furnishes that spotting engine.

Mr. Sheean: That is separate from this mine run you are speaking of?

Mr. Richardson: Yes, sir, it is in regard to the work, but not in regard to the pay.

Mr. Sheean: But, the mine run engine you have described simply takes the loads when they are loaded and brings them down this branch, whether it be one mile or four miles, to the main line?

Mr. Richardson: Yes, sir.

Mr. Sheean: And spots them on an assembly track?

Mr. Richardson: Yes.

Mr. Sheean: And it takes the empties from another track, at the main line, and delivers them, empty, at such mines as need them?

Mr. Richardson: Yes, sir.

Mr. Sheean: And it is engaged in that work from ten to twelve or often thirteen hours a day?

Mr. Richardson: Yes, sir.

Mr. Sheean: That is, the mine run operation as it exists on your line; the one that you have spoken of, is typical of the mine run operations that you speak of, is it?

Mr. Richardson: Yes, sir, I think it is.

Mr. Sheean: There are on this line a number of these branches or short lines running to the mines?

Mr. Richardson: Quite a number of them.

Mr. Sheean: At different places?

Mr. Richardson: Quite a number of them.

Mr. Sheean: Quite a number of them?

Mr. Richardson: Yes, sir.

Mr. Sheean: And a large part of the tonnage, or a considerable part of the tonnage on that line, is the output of these mines?

Mr. Richardson: During the summer months, yes.

Mr. Sheean: What is mined there?

Mr. Richardson: Iron ore.

Mr. Sheean: Any copper on this line?

Mr. Richardson: There is, on the Mineral Range Road, that is a road controlled by the South Shore, and the crews of which are working under our schedule.

Mr. Sheean: How long is this Mineral Range Railroad?

Mr. Richardson: With the various branches, I think it is about 75 or 80 miles; I am not sure.

Mr. Sheean: Of that, about how much is main line?

Mr. Richardson: I refer to main line.

Mr. Sheean: You refer to main line?

Mr. Richardson: Yes, sir.

Mr. Sheean: You are counting in the main line, all the offshoots to the different mines?

Mr. Richardson: No.

Mr. Sheean: I don't mean mere switching spurs.

Mr. Richardson: No.

Mr. Sheean: But, isn't the Mineral Range a series of ramifications to different mines?

Mr. Richardson: I believe you have expressed it properly.

Mr. Sheean: It goes simply to this mining industry in that neighborhood, that is practically its whole output?

Mr. Richardson: Yes, practically all their business is copper ore.

Mr. Sheean: How long a time during each year are those mines in operation?

Mr. Richardson: The mines operate all the year around.

Mr. Sheean: How long do you have traffic from them, then?

Mr. Richardson: From the last of April up to sometimes the first of December.

Mr. Sheean: And then, from during the month of Decem-

ber down to April, that traffic is at an end, is it, ordinarily, or very light?

Mr. Richardson: Ordinarily; they ship a certain amount of ore to furnaces during the winter, but not very much.

Mr. Sheean: That is controlled by navigation, is it not?

Mr. Richardson: Yes, sir.

Mr. Sheean: The fact of navigation being open?

Mr. Richardson: Yes, sir.

Mr. Sheean: Now, in 1910, when your earnings averaged monthly about $140, how many miles a month were you making to make that $140?

Mr. Richardson: About 3,000 miles, I guess.

Mr. Sheean: What is it?

Mr. Richardson: About 3,000 miles, I guess, I am not sure.

Mr. Sheean: About how many hours per month?

Mr. Richardson: I wouldn't attempt to say as to that, because some of that was made in mileage and part of it was in hours, where the hours exceeded the miles.

Mr. Sheean: In 1914, when you were averaging about $151 a month, about how many miles were you making?

Mr. Richardson: I think I have a record of the miles here. With the heavier engines, about 28 days.

Mr. Sheean: About 28 days now?

Mr. Richardson: Yes, sir.

Mr. Sheean: As against how many days in 1910?

Mr. Richardson: I don't believe that I gather just exactly what you want to bring out.

Mr. Sheean: I understood you to say, upon direct examination, Mr. Richardson, that in 1910 your earnings averaged about $140 a month.

Mr. Richardson: No, I think not. I expressed that as my earnings covering the last two years. That is the way I understood the question.

Mr. Sheean: Perhaps I misunderstood you, but as I caught it, your earnings, while you were using the smaller engine, were about $140 a month, and your earnings, since using the larger engine, were about $151 a month.

Mr. Richardson: No. As I recollect, and as I understood the question, it was what were my earnings during the last two years, which I placed at about $145 a month, which would cover.

the $151 that I referred to as the average mileage, fixed on time card mileage for all men now.

Mr. Sheean: That is, the average for all men, about $151?

Mr. Richardson: Based on the time card mileage, yes, sir. As I have previously said, in answer to a question, I made more money previous to the time we got the big engines, than I have been making since.

Mr. Sheean: What was the rate previous to 1910 on those engines, 84,000 pounds on drivers?

Mr. Richardson: $4.40.

Mr. Sheean: Was that before December, 1910?

Mr. Richardson: Yes, sir.

Mr. Sheean: $4.40.

Mr. Richardson: Yes, sir.

Mr. Sheean: And the rate on the larger engines that you described, these twelve larger engines, was what?

Mr. Richardson: Was $4.90.

Mr. Sheean: I mean at the present time.

Mr. Richardson: At the present time, is $5.30.

Mr. Sheean: $5.30?

Mr. Richardson: Yes, sir.

Mr. Sheean: Wherever you are paid by the hour, in case you had one of these larger engines, you are now paid at the rate of 53 cents an hour?

Mr. Richardson: 53 cents an hour; yes, sir.

Mr. Sheean: And, previous to December, 1910, wherever you were paid by the hour, and were using this smaller power, you were paid at the rate of 44 cents an hour?

Mr. Richardson: Yes, sir.

Mr. Sheean: So that either your mileage or your time has been very much reduced at the present time, if your earnings by the month are less than they were in 1910?

Mr. Richardson: They have both been reduced.

Mr. Sheean: What is it?

Mr. Richardson: They have been reduced.

Mr. Sheean: That is, you run a less number of miles now than you did in 1910?

Mr. Richardson: Yes, sir.

Mr. Sheean: The size of the pool and the amount of traffic is less now than it was in 1910, is it not?

Mr. Richardson: I would not be so sure about the amount of traffic, but the pool is certainly less.

Mr. Sheean: The pool is certainly less?

Mr. Richardson: Yes.

Mr. Sheean: And the arrangement still obtains on that road, whereby the men in the pool, at their request, are assured twenty-six days per month?

Mr. Richardson: The only men who are assured twenty-six days on the extra list, are men who are assigned to particular extra work, not being on the time card. The pool that I am in, where I am subject to call at all times, they do not guarantee us twenty-six days, although there is a provision in the schedule which says that it will be kept down to twenty-six days. That is largely optional with the management.

Mr. Sheean: And with the men, as to whether they request a cutting of the list?

Mr. Richardson: Yes, sir.

Mr. Sheean: Upon request of the men you have never known a refusal to cut the board so as to give 2,600 miles per month to the men on the extra list?

Mr. Richardson: No, I cannot say that I have.

Mr. Sheean: Now, 2,600 miles per month at your $5.30 rate, is considerably more than the amount that was assured to you in 1910, is it not?

(No reply.)

Mr. Sheean: Well, by just so much as 53 is greater than 44?

Mr. Richardson: Yes, but, as I said, it is not always assured.

Mr. Sheean: Well, you cannot give us the number of hours per month that you have worked in 1914, as compared with the number of hours that you worked in 1910?

Mr. Richardson: No, I do not keep any definite data in regard to that, except for a month or so back. We very seldom have occasion to use it other than to check our time during the previous month, when we draw our check, our pay, for it.

Mr. Sheean: Now, Mr. Richardson, through the year from July 1, 1913, to July 1, 1914, is it not a fact that you earned over $1,800?

Mr. Richardson: I do not think I did.

Mr. Sheean: Well, is it not a fact that the company paid you over $1,800 during that time?

Mr. Richardson: I have not a definite record for all those months, but I was satisfied that less than $150 would cover my average month.

Mr. Sheean: You did lay off part of that time?

Mr. Richardson: Possibly for a few days, not longer, during last year.

Mr. Sheean: Well, as long as a week at a time?

Mr. Richardson: I do not recollect of having been off a week at a time. I have stood first out on the extra board for five days at a time, and have not got out.

Mr. Sheean: And, even with that standing first out for five days, your earnings through the year have averaged about $150 a month?

Mr. Richardson: No, I think not. I think that $145 will cover it.

Mr. Sheean: Well, you have not with you, and accessible, a record as to the amount which was paid you in these months?

Mr. Richardson: Not the exact amount.

Mr. Sheean: And through that year?

Mr. Richardson: Not the exact amount.

Mr. Sheean: But you think that $1,858.38 is a little bit more than you drew during that fiscal year, from July to July?

Mr. Richardson: I think it is. I would not be positive about that, though.

Mr. Sheean: I take it, you have no record of the actual hours that you worked during that time?

Mr. Richardson: No, sir, I have not.

Mr. Sheean: Or the proportion of time in which the pay was on the basis of miles instead of upon an hourly basis?

Mr. Richardson: No.

Mr. Sheean: When you spoke of a certain class of road engines having been put into switching service, I assume, Mr. Richardson, that those road engines had front and rear foot boards put on them before they were put into switching service?

Mr. Richardson: Yes, they have foot boards on them.

Mr. Sheean: And front and rear headlights?

Mr. Richardson: Not in every instance. They mostly equip them when they put them in the yard, though.

Mr. Sheean: If they put them in the yard and assign them to yard service regularly?

Mr. Richardson: Yes.

Mr. Sheean: I do not mean an occasional case of using a road engine temporarily.

Mr. Richardson: No.

Mr. Sheean: But, I understood you to say this morning that some of their engines, which had once been in road service, were reconverted or assigned to switch service.

Mr. Richardson: Yes.

Mr. Sheean: About how many?

Mr. Richardson: Probably half a dozen, five or six.

Mr. Sheean: About a half a dozen, or about what were the weights on drivers of those engines?

Mr. Richardson: I think they were 68,000 pounds (after examining papers) 73,000 pounds on drivers.

Mr. Sheean: 73,000 pounds?

Mr. Richardson: Yes, sir.

Mr. Sheean: Well, now, that weight on drivers is a weight that is not found in road service, in new engines being built, isn't it?

Mr. Richardson: Yes, sir.

Mr. Sheean: Very much lighter engine than is being installed in any road service now?

Mr. Richardson: Yes, sir, they are.

Mr. Sheean: And is a small engine, as engines go, at the present time?

Mr. Richardson: Yes, sir.

Mr. Sheean: Quite a small engine?

Mr. Richardson: Yes, sir.

Mr. Sheean: Now, you spoke of there being some difficulty in operating an engine of that sort because of the tank obscuring the view, in case you are backing up. Is there any difference at all, in case you are making a forward coupling or anything of that sort, between that and the ordinary switching engine?

Mr. Richardson: The only difference is that the cab arrangement, usually, of a switch engine that is designed for switching entirely—they are engines on which the valves are nearer, while on this type of engine I refer to, you cannot reach the brake valve and see out of the side window at the same

time. About the only way you can operate it is to lay out and use it with your foot.

Mr. Sheean: In backing up, you spoke of your not being able to see, as you had to lean out of the cab window further than you would in case of a sloping tank.

Mr. Richardson: Unless there are cars behind, with a sloping tank you can see over.

Mr. Sheean: Now, what is the weight of this one heavy switch engine that you say they have installed there?

Mr. Richardson: 170,000 pounds on drivers.

Mr. Sheean: And where is that used?

Mr. Richardson: That is used in pushing ore on the dock.

Mr. Sheean: At what ponit?

Mr. Richardson: At Marquette.

Mr. Sheean: And used exclusively for pushing ore cars?

Mr. Richardson: During the summer months they use it for pushing ore cars on this dock on which there is a considerable incline, but during the winter months it is used up on the heavy grade for helper service.

Mr. Sheean: And where is that?

Mr. Richardson: Between Lanse and Summit, on a long hill, ten miles long.

Mr. Sheean: Then it becomes a pusher in the winter months?

Mr. Richardson: Yes, sir.

Mr. Sheean: And in the summer is assigned to the handling of ore on that particular dock?

Mr. Richardson: Yes, sir.

Mr. Sheean: I think that is all.

REDIRECT EXAMINATION.

Mr. Stone: Mr. Richardson, I am particularly interested in that small yard engine that you use in switching. If you have to lean half way out of the cab window in order to see the signals and reach in and work your brake valve with your foot, do you consider that conducive to "safety first"—that kind of operation?

Mr. Richardson: No, I do not.

Mr. Stone: In regard to these mine runs you described,

you say you go out three miles with a light engine—do you get running orders to go out there?

Mr. Richardson: Yes, sir.

Mr. Stone: Regular train orders, Number 31?

Mr. Richardson: Number 19, usually.

Mr. Stone: 19 orders?

Mr. Richardson: At occasional times you do get 31 orders.

Mr. Stone: Do I understand you go out there with just yourself and the fireman?

Mr. Richardson: Yes, sir.

Mr. Stone: Your crew is out there?

Mr. Richardson: Yes, sir.

Mr. Stone: Then you throw your own switches to get out?

Mr. Richardson: Yes, sir.

Mr. Stone: Well, is it not true that after you pick up this so called yard crew that they get a higher rate than road men do—doesn't your conductor and brakemen get a higher rate than the road men do?

Mr. Richardson: I believe they do. I am not thoroughly familiar with their schedule.

Mr. Stone: Is there any particular difference between switching a car in a yard and a local freight train switching a car out on the road somewhere, so far as the character of the work is concerned—either one would be switching, wouldn't it?

Mr. Richardson: Yes, sir.

Mr. Stone: Is it not a fact, it is considered more dangerous switching cars around these mines than the general switching in the yards—clearances are closer and grades are very steep, are they not?

Mr. Richardson: Yes, sir, some very bad places around the mines, steep grades and close stock piles and running cars up under the pockets where the ore is dropped down.

Mr. Stone: I believe you stated that the Mineral Range Railroad was owned or controlled by the Duluth, South Shore & Atlantic?

Mr. Richardson: Yes, sir.

Mr. Stone: Do you know what they pay for this character of work?

Mr. Richardson: The Mineral Range?

Mr. Stone: Yes. Do they pay switching or road rates?

Mr. Richardson: They are under the same schedule as we are.

Mr. Stone: The Great Northern has a great deal of ore work in there, have they not?

Mr. Richardson: No.

Mr. Stone: Not in your part?

Mr. Richardson: They are on the Messaba Range, west of Duluth.

Mr. Stone: If the company really paid you $1,800 for your services from July 1, 1913, to July 1, 1914, then, is it not a fact, you, in reality, earned about three times that much?

Mr. Richardson: Well, I thought I did; but I didn't get it.

Mr. Stone: Speaking back on this question of your seniority and the fact you have remained on the extra board for a few years, is it not true today that the best you can buy with your eleven years' seniority as an engineer is a place on the extra board?

Mr. Richardson: That is the best I can get just now.

Mr. Stone: If there were only 80 trains tied up under the Sixteen Hour Law in the last fiscal year, is it not true that in the opinion of the men, that is just 80 too many?

Mr. Richardson: I would not consider it one too many.

Mr. Stone: Isn't that the general feeling of the men?

Mr. Richardson: Yes, it is the general feeling that the hours are too long. There are times that it cannot be avoided on those ore runs. They assign a certain number of men to this work; they will have three crews and they will work two crews thirteen or fourteen or fifteen hours a day, and then you will lay in the next day; when, instead of doing that, if they got out the three crews and worked a ten-hour day, it would make it much more convenient for the men, and I fail to see how the company is anything ahead by it. The only way we can figure it is that they feel they are saving the thirty minutes preparatory time.

Mr. Stone: Why is it the company has bought special designs of engines for yard work; is it not because they are more satisfactory?

Mr. Richardson: That is the way I understand it.

Mr. Stone: There must have been some special reason that

they bought this particularly heavy engine for ore work down on the docks.

Mr. Richardson: It must have been for some reason or other the lighter engines could not do the work satisfactorily.

Mr. Stone: What was it?

Mr. Richardson: There was a very heavy grade there, and the smaller engines, in order to get the ore up there, they had to doublehead up. By putting in the heavier engine they handled the ore as fast as they needed it.

Mr. Stone: And, incidentally, saved the pay of one engine crew.

Mr. Richardson: Yes, sir.

Mr. Stone: I think that is all.

Mr. Burgess: Mr. Richardson, when you are in this mine run service, are you operating upon road rules or yard rules?

Mr. Richardson: Yard rules, with the exception of the run to the terminal; although we use the main line at times.

Mr. Burgess: You do use the main line?

Mr. Richardson: We are obliged to guard against main line trains, although we are under yard rules.

Mr. Burgess: Do you have a caboose on that train?

Mr. Richardson: No, sir.

Mr. Burgess: That is all.

The Chairman: Call your next witness.

Mr. Stone: Mr. Belding, of the Wabash.

H. A. BELDING was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Mr. H. A. Belding of the Wabash Railroad, employed on the Eastern Division, as a freight engineer, between Decatur, Illinois, and Peru, Indiana. (Addressing the witness) You are at present in the employ of the Wabash Company?

Mr. Belding: Yes, sir.

Mr. Stone: In what class of service?

Mr. Belding: In freight service.

Mr. Stone: How long have you been an engineer on the Wabash Railroad?

Mr. Belding: About fourteen years.

Mr. Stone: In through freight service all of that time?

Mr. Belding: Yes, sir.

Mr. Stone: What class of engine are you running?

Mr. Belding: Mikado.

Mr. Stone: What are the dimensions and weight?

Mr. Belding: 205,000 pounds on drivers, 25 by 30 inch cylinder.

Mr. Stone: About what would you say has been the increase in tonnage on your particular district that you haul over, since 1910?

Mr. Belding: In 1910, we were hauling 1,260 west and 1,850 east. In 1914 we are hauling 1,850 west and 2,600 east.

Mr. Stone: Is this increase due to the heavier power?

Mr. Belding: Yes, sir, I think it is.

Mr. Stone: What is the distance between your terminals?

Mr. Belding: 172 miles.

Mr. Stone: Then you have noticed a decided increase in the size of the locomotives in freight service in the last three or four years, have you, on your road?

Mr. Belding: Yes, sir.

Mr. Stone: And a corresponding increase in your tonnage?

Mr. Belding: Yes, sir.

Mr. Stone: Have the hours of service on your road been increased by the use of this heavier power?

Mr. Belding: Yes, sir, I am positive it has, although I have no figures to show that it has. In my observation and my judgment they have been increased considerable.

Mr. Stone: You think this is due to the fact of the use of the heavy engine over the use of the small engine formerly in use?

Mr. Belding: Yes, sir, and adhering more strictly to the tonnage basis, and seeing that we have our full tonnage at all times. I think they are more precise in that than they ever were before.

Mr. Stone: You stated you have no figures, but can you give us a general idea as to what extent these long hours have increased?

Mr. Belding: Well, in the handling of heavy trains, my experience is that it is impossible to get over the territory with

the heavy tonnage that it would be with the light or lighter tonnage.

Mr. Stone: With regard to the hours on duty, have they lengthened out the schedule running time on the time table, as to the card time of trains?

Mr. Belding: I couldn't say. I haven't any figures on that, as far as the time card schedule is concerned; but we do not adhere very closely to that.

Mr. Stone: Do you have many carded trains?

Mr. Belding: Not very many, no. A great many extras.

Mr. Stone: Does it ever become necessary for you to tie up under the law?

Mr. Belding: Yes, sir.

Mr. Stone: Very frequently?

Mr. Belding: Very frequently, yes, sir. It is very seldom, with a full tonnage train, that we get through the 172 miles. That is, we consider ourselves very fortunate, everything has got to work very smoothly, to get through under the law, with our heavy tonnage trains.

Mr. Stone: So it is a common occurrence, is it, for crews to be tied up on your division?

Mr. Belding: Yes, sir.

Mr. Stone: How many crews in slow freight are there on your division?

Mr. Belding: We are all in the chain gang.

Mr. Stone: How many are there?

Mr. Belding: Seventeen, between Decatur and Peru.

Mr. Stone: About how many crews tied up under the law, would it average a day?

Mr. Belding: Well, now, I haven't any figures definitely on that. I tried to get them from our superintendent and he said they had been sent in, and he would gladly give them to me if he could; so I will have to rely upon my judgment. I will say that two crews a day, would be a very fair estimation.

Mr. Stone: That is, two crews each day on a division that only has 17 crews?

Mr. Belding: I should say that would be very fair.

Mr. Stone: When you were running the smaller class of engine, was it necessary for you to tie up under the law?

Mr. Belding: It might have been, on a very rare occasion;

in case of a wreck, or work train. But, if my memory serves me right, when we had the light power, it was a very rare case of tying up under the law.

Mr. Stone: From your experience as an engineer, would you say that there is more responsibility, and more care required to handle a heavy train, than a smaller, or lighter train?

Mr. Belding: Yes, sir.

Mr. Stone: Could you give to this Board any reason why you think there is more responsibility?

Mr. Belding: Why, it requires more responsibility to handle a big train of eighty to one hundred cars, in the matter of manipulating the air brakes, and guarding against damaging the cars and lading, and stopping and starting the train.

Mr. Stone: Then, if I get your idea correctly, it is your experience that with the heavier power, and heavier trains, greater skill and efficiency both are required, than with the smaller power?

Mr. Belding: Yes.

Mr. Stone: What time are you called before the leaving time of your train? For example, if you were called to leave at 7 o'clock, what time would they call you?

Mr. Belding: They would give me an hour and a half call.

Mr. Stone: What time are you supposed to report to the roundhouse track?

Mr. Belding: We are supposed to be on our engine thirty minutes before leaving time.

Mr. Stone: What time must you be ready to leave the roundhouse track to go to the train yard?

Mr. Belding: I think there is only one case where there are special instructions; that is at Decatur; and owing to the fact that we have about a mile or a mile and a quarter to go from the roundhouse track, we have special instructions from the superintendent that we shall be ready to leave there twenty minutes before the time called to leave the yard.

Mr. Stone: At what time are you supposed to come on duty in order to be ready to leave on time?

Mr. Belding: Well, I do not know of any fixed time. Personally, if I get an hour and a half call, I get over there as soon as I can get something to eat. I would rather have forty min-

utes than half an hour to get ready to leave on time. I generally get around as quick as I can.

Mr. Stone: You have the usual preparatory duties, the same as these other men have described, have you?

Mr. Belding: Yes, sir.

Mr. Stone: Have you any additional duties that they do not have?

Mr. Belding: Why, we have to see that the necessary supplies are on the engine, and about the same routine, I expect, to try the gauge cock, and water glass—

Mr. Stone: Well, that is about the same as all the rest, is it not?

Mr. Belding: About the same; the sandbox and water tank, and see that the air pumps work and so forth.

Mr. Stone: Do you register your watch at the yard office?

Mr. Belding: Yes, sir.

Mr. Stone: Are you paid any preparatory time for this time used in the preparation of your engine for the trip?

Mr. Belding: No, sir.

Mr. Stone: Your time begins at the time called to leave?

Mr. Belding: At the time called to leave the yard.

Mr. Stone: Then you begin earning money from the time specified to leave?

Mr. Belding: From the time specified to leave the yard, yes, sir.

Mr. Stone: Are you disciplined on the Wabash for pulling out a draft rigging?

Mr. Belding: I don't think we are disciplined. A personal record is kept, I know, of all draw bars pulled out by engineers, and a monthly report made, and a copy sent to him, complimenting him or otherwise, the reverse.

Mr. Stone: It is generally otherwise, with a tonnage train, is it not?

Mr. Belding: Well, you have to be mighty careful if it is not.

Mr. Stone: Suppose, in taking your engine from the roundhouse or the designated track, or train, you were to split a switch and damage the engine, would the company discipline you for it?

Mr. Belding: I believe they would.

Mr. Stone: In other words, they hold you responsible from

the time you start to move the engine, even though your time has not begun?

Mr. Belding: Yes, sir; that is the rule of our company.

Mr. Stone: Under the Federal law in regard to working hours, when would your time begin to be counted for the fourteen or sixteen hour period?

Mr. Belding: From the time I was called to leave.

Mr. Stone: Would it not be counted prior to that time, from the time you assumed responsibility?

Mr. Belding: Oh, in figuring the hours, yes, sir; thirty minutes before leaving time.

Mr. Stone: Is not that the ruling of the Wabash Company?

Mr. Belding: Yes, sir; I am sure it is.

Mr. Stone: Then for that thirty minutes that figures in the Federal law as part of your duty, you receive no pay?

Mr. Belding: No, sir.

Mr. Stone: Do you think the company is exacting more service from you today than they were a few years ago?

Mr. Belding: I think they are.

Mr. Stone: About what are your average monthly earnings?

Mr. Belding: Well, I have not made any figures, but I will say that $175 a month would be a high average.

Mr. Stone: And that means working about the full limit of the Sixteen Hour Law every trip?

Mr. Belding: No, we do not work the full limit of the Sixteen Hour Law every trip, Mr. Stone, only in these heavy drag trains. You understand, we are running in the pool, and we go first in and first out, and take whatever train our turn entitles us to, but in the drag service, it is very close to the Sixteen Hour Law.

Mr. Stone: Have you any idea what the average time is, of, say, take 50 or 100 trains of time freight and slow freight, and average them all together.

Mr. Belding: I have not any data, any figures on that. I will have to go on my judgment as I observe it from day to day, from being on the job all the time. I am unable to obtain those.

Mr. Stone: All right, I do not want it if you haven't it.

Mr. Belding: But I think, take the fast trains and slow trains together, it will go up around thirteen or fourteen hours.

Mr. Stone: In regard to these crews that are tied up on the line of road, do they always tie them up at some point where there are accommodations to get something to eat and to sleep?

Mr. Belding: No, sir.

Mr. Stone: They simply tie them up wherever the sixteen hours overtakes them?

Mr. Belding: As a rule.

Mr. Stone: How do they do, send a watchman out to take care of the engine?

Mr. Belding: Yes, sir. They generally figure on having a watchman on you, after you have been on duty about ten hours. There are several points along the line where they maintain a small roundhouse force, and they will call one of them, or they will call an extra fireman off the board, at a terminal, and send him out on a passenger train to meet you, and place him in the caboose, and he rides there until your time is up, and then takes charge of the engine.

Mr. Stone: Wherever that time overtakes you?

Mr. Belding: Yes, sir.

Mr. Stone: It may be on a siding where there is nothing to eat, and no place to sleep?

Mr. Belding: Very often.

Mr. Stone: And, after that eight-hour period off duty, that presumably was intended for rest, you are really in a worse condition than you were before you were tied up at all, are you not?

Mr. Belding: In a great many cases you don't get much rest.

Mr. Stone: How was it on your road in regard to being held away from your home terminal, and lying at the other end of the road?

Mr. Belding: Well, we get very big lay-overs, long lay-overs.

Mr. Stone: About what would it average, do you know?

Mr. Belding: Well, I will have to base my figures on my own judgment on that. I was unable to obtain that, for the same reason that I could not get the others. But it is all the way from eight hours and thirty minutes, to thirty hours, and as high as thirty-five hours, sometimes, in extreme cases.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: You are a promoted man on the Wabash, Mr. Belding?

Mr. Belding: No, sir.

Mr. Sheean: You were employed as an engineer by the Wabash?

Mr. Belding: Yes, sir.

Mr. Sheean: And have been with them the last fourteen years?

Mr. Belding: Yes, sir, since 1901.

Mr. Sheean: Now, have you been on this same run, or between these two same points, all the time?

Mr. Belding: No, sir.

Mr. Sheean: How long have you been on this run, from Decatur to Peru, is it?

Mr. Belding: Yes, sir.

Mr. Sheean: How long have you been on that run?

Mr. Belding: I think most of the time since 1910; I possibly was over on the other district east for a short time.

Mr. Sheean: And, on the district east, between what points did you run?

Mr. Belding: Peru, or Toledo, Ohio, and Montpelier, Ohio.

Mr. Sheean: What was the district, or the length of the run that you had there?

Mr. Belding: One hundred and fifty miles to Toledo, and one hundred and five miles to Montpelier.

Mr. Sheean: You ran for a while between Toledo and Montpelier?

Mr. Belding: Yes, sir.

Mr. Sheean: Was it in the exercise of your seniority rights, in 1910, that you selected this 172 mile run?

Mr. Belding: Yes, sir.

Mr. Sheean: That you looked upon as a preference run?

Mr. Belding: Yes, sir.

Mr. Sheean: While the run was long, and while it took a long time to make it, the money that was earned there was larger than where you were making 105 miles, and working shorter hours?

Mr. Belding: Yes, sir, with all the hardships that go with the money, I needed the money.

Mr. Sheean: And this run throughout the last year, has paid you about $2,000 a year, or a little over $2,000, has it not?

Mr. Belding: I think so.

Mr. Sheean: Something about there?

Mr. Belding: Something about there.

Mr. Sheean: And that is a fair average of what it has produced for you since 1910, about $2,000 a year?

Mr. Belding: Well, it might vary a little, but not a great deal.

Mr. Sheean: But all the way from $175 up to $225 a month, depending upon the number of miles that you make?

Mr. Belding: It depends on the miles I make, yes, sir.

Mr. Sheean: Some months it pays you as high as $225 a month?

Mr. Belding: I might have possibly made $225 some months.

Mr. Sheean: This 172 mile division is the longest division on the Wabash, is it not?

Mr. Belding: No, sir.

Mr. Sheean: What is a longer division than that, in freight service?

Mr. Belding: From Chicago to Montpelier, 175 miles.

Mr. Sheean: That is on another branch of the Wabash?

Mr. Belding: Yes, sir, the Detroit-Chicago branch.

Mr. Sheean: The Detroit-Chicago branch?

Mr. Belding: Yes.

Mr. Sheean: 175 miles?

Mr. Belding: 175 miles to Montpelier, that is one district, and about 100 miles from Montpelier to Detroit.

Mr. Sheean: About 100 miles from Montpelier to Detroit?

Mr. Belding: I think so, although I am not familiar with that territory.

Mr. Sheean: Now, in this same territory in which you operate here, from Decatur east to Peru, there are quite a number of railroads that cover practically that same territory, or part of it, the Erie, the B. & O. S. W., the Pennsylvania and other lines?

Mr. Belding: Yes, sir.

Mr. Sheean: How do the rates which you are paid per mile, or per 100 miles, compare with the rates that are paid by these other lines?

Mr. Belding: I believe I get a little higher rate.

Mr. Sheean: What was the weight of the engine on drivers, that you are now operating?

Mr. Belding: 205,000 pounds.

Mr. Sheean: And for that you are paid $5.30?

Mr. Belding: Yes, sir.

Mr. Sheean: Per 100 miles?

Mr. Belding: Yes, sir.

Mr. Sheean: On the Big Four, for instance, the same type of engine in this territory is paid a rate of $4.75, is it not?

Mr. Belding: I don't know.

Mr. Sheean: Do you know the rate on the Grand Trunk, in the same territory, for the same type of engine?

Mr. Belding: No, I do not.

Mr. Sheean: Isn't that $4.60?

Mr. Belding: I don't know.

Mr. Sheean: You don't know as to that?

Mr. Belding: I don't, no.

Mr. Sheean: But, you do know that because of the Wabash Railroad extending over partly into western territory, and that western rate being applicable to the part that you run on, that you are receiving a higher rate than the eastern railroads, on the same weight on drivers?

Mr. Belding: I believe that is the condition.

Mr. Sheean: And that rate, thus higher than the present, going eastern rate, is the rate which was awarded in the east, as the result of the concerted arbitration movement?

Mr. Belding: I believe we get a little higher rate. I don't know how much higher.

Mr. Sheean: You know, in a general way, that it is 35 or 40 cents per 100 miles higher, do you not?

Mr. Belding: I don't know as I ever thought of it in that light.

Mr. Sheean: Now, the Wabash Railroad does pay, from Toledo west, a higher rate to its engineers than it pays on the same style and type of engines east of Toledo, does it not?

Mr. Belding: We haven't any lines east of Toledo, I believe.

Mr. Sheean: Isn't there a line to Buffalo?

Mr. Belding: Through Detroit, I think, yes.

Mr. Sheean: The Wabash goes clear through to Buffalo, does it not?

Mr. Belding: Yes, we run our Wabash trains over there.

Mr. Sheean: And on the eastern zone, the eastern wage zone, the men operating these engines, are now paid a lower rate, than you men operating here west of Toledo, isn't that the fact?

Mr. Belding: I don't know exactly what their rates are.

Mr. Sheean: Does not the Wabash schedule specifically show that there is a difference in the rate paid on the same engine, according as it is in the eastern or western wage zone?

Mr. Belding: I believe it does, yes, sir.

Mr. Sheean: Do you happen to remember what the difference is on this engine of the 205,000 pounds, that you are handling here? How much, a Wabash employe who was east of Toledo, would get per 100 miles for operating that same engine?

Mr. Belding: I couldn't tell. I don't know.

Mr. Sheean: The fact that you, on the west end of the Wabash, are being paid a higher rate per 100 miles, or per mile, than the Wabash employes who are east of there, is due to the fact that engineers in this western territory, are now generally paid a higher rate on these engines, than the engineers operating the same type and class of engine, in the east, isn't that true?

Mr. Belding: I think it is.

Mr. Sheean: And, the rates on the east end of the Wabash, are the standard going rates of the eastern lines, isn't that true?

Mr. Belding: I don't know that.

Mr. Sheean: But, the rate paid on the Wabash is the standard western going rate on the same class and type of engine?

Mr. Belding: Yes, sir.

Mr. Sheean: When were these 205,000 pounds on drivers installed on the Wabash?

Mr. Belding: In 1913.

Mr. Sheean: Just before 1913, what type of engine did you have?

Mr. Belding: What we call the 2,000 class, a ten-wheel engine with a trailer.

Mr. Sheean: Do you know what the rate on drivers was on that engine?

Mr. Belding: 150,000 pounds, I think; about 150,000.

Mr. Sheean: Were all the engines in this pool the same weight on drivers?

Mr. Belding: Of the seventeen crews?

Mr. Sheean: Yes.

Mr. Belding: Yes, sir.

Mr. Sheean: There was a complete change in 1913, so that all the engines in that pool are now 205,000 pounds on drivers?

Mr. Belding: Yes, they were installed, I think, about the same time in that territory.

Mr. Sheean: By the way, are the engines pooled there?

Mr. Belding: No, sir.

Mr. Sheean: The man has his own engine?

Mr. Belding: Yes, sir.

Mr. Sheean: And, stays with it all of the trips; while the run is pooled, the engines are not pooled?

Mr. Belding: Yes, sir.

Mr. Sheean: Now, you spoke of the tonnage ratings in 1910 and 1914. If the tonnage rating which you had in 1910 was actually imposed on those trains as they move, the speed would have been the same in the two instances, would it not? That is, with a lighter weight engine loaded up to capacity, that smaller engine does not get over the road any faster than the heavier engine loaded up to capacity?

Mr. Belding: Not if they were loaded up to their full capacity.

Mr. Sheean: Then, the difference, so far as there is a difference in speed here, is in having a more efficient train loading, is it, in 1914 and in 1910?

Mr. Belding: I don't just get you there.

Mr. Sheean: What I mean, Mr. Belding, is this, that if the lighter engines were loaded to capacity in 1910, they would not get over the road any faster than if the heavier engines were loaded to capacity?

Mr. Belding: No, I don't think they would.

Mr. Sheean: And, I understood you to say on direct, that you had noticed that they were adhering more strictly now to the tonnage basis than they were in 1910?

Mr. Belding: Yes, sir.

Mr. Sheean: They are getting out of the engines, now, a nearer approximation to their capacity than they were getting out of the engines in 1910, as you have observed it?

Mr. Belding: They are getting what there is in them out of them, yes.

Mr. Sheean: That, you think, was not true in 1910?

Mr. Belding: No, I don't think they adhered so strictly to the tonnage basis in 1910 as they do at the present time.

Mr. Sheean: The tonnage rating for an engine, I notice, is different east and westbound on the Wabash. Why is that?

Mr. Belding: Well, we have some heavier grades going west. Out of Logansport we have one hill where 1,850 tons is about all you can get up the hill with.

Mr. Sheean: That 1,850 ton rating, which is about all you can get up that one hill with, is given as the entire rating for that 172 mile district?

Mr. Belding: No, sir.

Mr. Sheean: What is it?

Mr. Belding: No, sir.

Mr. Sheean: Where do they change the rating?

Mr. Belding: Tilton.

Mr. Sheean: And what is the rating there?

Mr. Belding: About 2,300, or 2,350.

Mr. Sheean: Between what points does it take the rating of 1,850?

Mr. Belding: Between Peru and Tilton.

Mr. Sheean: What distance is that?

Mr. Belding: 101 miles.

Mr. Sheean: And that is because that one grade at Logansport—that is how long, in length?

Mr. Belding: Well, we have several grades, several short grades at about the same grade; if that is the longest one, I think it is about three miles.

Mr. Sheean: About three miles in length, at Logansport?

Mr. Belding: Yes, the hill.

Mr. Sheean: And then there are two or three other hills, short hills?

Mr. Belding: Short hills, yes, sir.

Mr. Sheean: Now, then, that gives you, however, a tonnage rating of 1850 tons over a distance of 101 miles?

Mr. Belding: Yes, sir.

Mr. Sheean: And that is with an engine, which, eastbound, is given a rating of 2600 tons?

Mr. Belding: Yes, sir.

Mr. Sheean: So that, on all of that 101 miles, except these two or three short hills, you have an engine with a capacity of at least 2600 tons, loaded not to exceed 1850 tons?

Mr. Belding: Yes, sir.

Mr. Sheean: Out of all of the 101 miles, except a distance of four or five miles, you are not operating, then, over 18/26ths of the capacity of the engine?

Mr. Belding: I know, when you get up those hills you go down the next one and up another one, yes, sir; up and down all the way.

Mr. Sheean: Well, they give to the engine, in a particular direction, a rating based on the controlling grade in that particular section, do they not?

Mr. Belding: I believe so.

Mr. Sheean: And, the controlling grade in this case being one about three miles long, the entire section of about 101 miles is given that rating?

Mr. Belding: Yes, sir: but—

Mr. Sheean: Now, eastbound, are there any heavy ascending grades?

Mr. Belding: Well, there are a great many, yes, where it is all you can do to get them up the hill.

Mr. Sheean: That is, at capacity, of 2600 tons?

Mr. Belding: Yes, sir.

Mr. Sheean: And, on the level, what is the actual tractive power of the engine, do you know, which is given this rating because of this grade?

Mr. Belding: I think about 50,000 pounds on drawbars, tractive power.

Mr. Sheean: So that on the level parts here, wherever they

be on the run, or in down grades, your engine is not loaded above one-half its actual tractive effort?

Mr. Belding: There are lots of places where they run them down hill to get up, yes, sir.

Mr. Sheean: Well, this rating of 2,600 tons is given because of the controlling grade east bound?

Mr. Belding: That rating sheet, when it was made, in getting the tractive power, they did not stop at the foot of the hill and pull the train up the hill, these short hills I am telling you about, but they would go down one hill as fast as they could go and make the grade all right; but, if they would stop to pull in or burst an air hose on this hill, or at the foot of the hill (we have a great many places where we have to take the switch) it would be impossible to start, well, we will say, three-quarters of that train, or much over half of it; it must stand still.

Mr. Sheean: All I was seeking to get was the fact that the tonnage rating for the division is given based upon the controlling grade in either direction.

Mr. Belding: Yes, scientifically; yes, sir.

Mr. Sheean: On the Wabash, do they change the tonnage ratings at different times of the year, different seasons?

Mr. Belding: Yes, sir.

Mr. Sheean: And, in the winter time, what proportion or percentage of the summer rating is given? Have you given the summer ratings or the winter tonnage ratings?

Mr. Belding: That is the A rating; they call them the A ratings.

Mr. Sheean: That is, weather conditions all right?

Mr. Belding: Yes, sir.

Mr. Sheean: Now, with a drop in the thermometer how do they change that tonnage rating?

Mr. Belding: Well, they slide it down.

Mr. Sheean: Well, slide it down to what?

Mr. Belding: I will have to refer you to the sheet, I guess. I can't remember all those figures. (Referring to paper) It is shown here on this sheet some place. The rating, temperature above 30 degrees F. and not much wind, is A rating; B rating is temperature between zero and 30 degrees F., strong head wind or sidewind.

Mr. Sheean: Now, what are the ratings under these atmospheric conditions?

Mr. Belding: This rating is made on a sliding scale, from thirty cars to one hundred. The fact is, an engineer never gets to see his card. The conductor handles it, and I don't see any—I will give it to you if you want it, and you can figure it out. I just take all I can pull, and go. I never saw one before. It is too deep for me. (Laughter.)

Mr. Sheean: You have given us an A rating in good atmospheric conditions. Now, when the thermometer is below 30 and not below zero, they do have a different scale?

Mr. Belding: There is a slight decrease there.

Mr. Sheean: As the weather conditions get worse this rating gets lower and lower?

Mr. Belding: There are three different ratings, A, B and C, and then there might be D. I won't be sure.

Mr. Sheean: And, those are based on the conditions you have described as to wind and temperature?

Mr. Belding: Yes, sir.

Mr. Sheean: So that they do not, in the kind of weather that we are having here yesterday and today, take the same tonnage over the road that they do in summer days or in A-1 days there?

Mr. Belding: Well, they might not today, but the day before yesterday, I don't think there would be much difference. They seem to wait too long before they find out that the weather conditions have changed. The despatcher don't seem to have found out, and we have lots of hardship on that line.

Mr. Sheean: The change that is made there seems to be down from 30 degrees Fahrenheit, just below the freezing point, as you read it—from 30 degrees down to zero?

Mr. Belding: Yes, sir.

Mr. Sheean: And a sliding scale between those two points?

Mr. Belding: Yes, sir.

Mr. Sheean: You don't have in mind where any breaking point is and how much the tonnage is reduced at these particular places?

Mr. Belding: No, I could not say just exactly how long.

Mr. Sheean: On any of your runs here during the last year, during the time that you have earned this $2,000, and over, were

you paid on an hourly basis or were you paid entirely on a mileage basis?

Mr. Belding: Why, on a mileage basis. I did some work, train work and gravel work, and so forth, and that is all done on the pool where the through freight crews and work train service crews come from, where there is only two or three days of that required.

Mr. Sheean: The requirement on the Wabash is that they report for duty thirty minutes before leaving time?

Mr. Belding: We have to be on our engine thirty minutes before leaving time, yes, sir.

Mr. Sheean: And the matter of when you shall be called or how soon before the departure of the train, or whatever the time is you are to report for duty, is locally arranged at the different points?

Mr. Belding: No, that is our schedule, one hour and a half at all points.

Mr. Sheean: At all points?

Mr. Belding: As I understand it, yes, sir.

Mr. Sheean: That is, you should be called an hour and a half, and not inside of an hour and a half?

Mr. Belding: An hour and thirty minutes, the schedule says, I believe.

Mr. Sheean: No matter where you live with reference to the roundhouse?

Mr. Belding: There is no limit, where a man has a telephone; but, otherwise, he must live within a limit of a mile, if I am not mistaken.

Mr. Sheean: The calling is usually done by telephone, isn't it?

Mr. Belding: It is as a rule, nowadays, I think.

Mr. Sheean: Just what trains are in this pool, or what class of trains?

Mr. Belding: They are second and third class trains.

Mr. Sheean: That is all of the trains that are not carded trains, or do you pool the carded trains also?

Mr. Belding: No, sir. We have regularly carded trains and high class trains, carded trains and slow trains.

Mr. Sheean: Do they go into your pool?

Mr. Belding: Yes, sir.

Mr. Sheean: So, going one direction on a drag, you may come on the return trip, or the next time out, get one of the faster trains?

Mr. Belding: Yes, sir.

Mr. Sheean: Did I understand you also, that these work trains, in local work, that they are also in this pool at Decatur?

Mr. Belding: This gravel service and wreck train and work train service, yes, sir, unless it is regularly assigned.

Mr. Sheean: That is all protected by this extra board you maintain at Decatur?

Mr. Belding: Not an extra board, no, sir.

Mr. Sheean: I mean protected by the pool.

Mr. Belding: Yes, sir.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: In that calling by telephone, who pays for the telephone, the company or the men?

Mr. Belding: I pay for mine.

Mr. Stone: In case your telephone failed to work and you were outside the call limits, then what would you do; call yourself—the company would not call you if they could not get you on the telephone?

Mr. Belding: No, they have spoiled the callboy so now that if he cannot get you on the phone you are very apt to lose the trip. He won't hunt you up. So, if your telephone does not work you had better stay close by.

Mr. Stone: It really amounts to this in the end, that you must live within a restricted area, near the roundhouse, or else take a chance of being called on the telephone and occasionally missing a trip, because they do not get you.

Mr. Belding: I think we have a mutual agreement that there is no limit to the distance that any man may reside from the roundhouse, if he maintains a telephone or has a telephone.

Mr. Stone: Suppose there is a question or dispute between you and the callboy as to whether you were called or not, over the telephone, whose word would be taken in that case?

Mr. Belding: Well, there would not be much argument in my case because I would lose the time and an argument would be useless.

Mr. Stone: Would you be disciplined for it in case of some important run and they did not get you and you laid out an important run?

Mr. Belding: I don't recall any case of that kind, any particular case where a man has been disciplined.

Mr. Stone: Coming back to that question of the A, B and C ratings again, who decides what rating you shall take, the chief despatcher on duty, or the conductor of the train?

Mr. Belding: Well, I believe the chief despatcher is responsible for it. I think he leaves it with the yardmaster and the yardmaster leaves it to the clerk, sometimes. I will cite you an instance of the way of doing business in Peru. That is our eastern terminal. The train is brought down from what we call the east yard—it is made up there, all ready for the road crew, and brought to the west yard, and there we take it and the conductor starts at the rear of the train and takes the numbers of the cars, and goes to the head end, and the yard office, the office where he gets his orders, is located at the head end of the train, and the yard clerk and the yardmaster, when he gets the cars billed out, puts the bills in the caboose. The conductor gets the orders and gives them to the engineer and we go out. The conductor does not know, until he has had time to figure out those sixty or seventy or eighty or ninety cars, how much tonnage he has got. Very frequently, we leave that terminal there, in that one instance, with a train that we cannot handle. Before we get up the ruling grade, sixteen miles to Logansport, the first stop—down to Logansport we hit the hill, and, as a usual thing, we get over that hill before the conductor can get his figures made and really knows how much tonnage he has got. I have tugged away at 150 to 250 tons over the rating, doubling the hill and pulling away at that train and perhaps some place on the road we would get an order to reduce the train. I recall one instance where I worked about ten hours at that train before the despatcher decided we had too much, and we found out we had about 250 tons over the rating, and he reduced us then according to this sheet—it was cold weather, down to about sixteen hundred and some tons, and we made 101 miles and tied up. That is very rarely the case, and at other points, at Decatur, they figure pretty close and the conductor gets his bills at the head end of the train and his caboose

is right convenient there to the yard office, and he has ample time to get ready and figure up, and if he has got too much tonnage, if he protests, they set it out, so we are not bothered that way at the western end of the road.

Mr. Stone: Do you know what the distance is between Detroit and Buffalo, over the Wabash?

Mr. Belding: I don't know anything about that territory, Mr. Stone; never was over the line.

Mr. Stone: That is the only territory on the Wabash that lies in the Eastern wage zone. Is it not a fact that the Western wage rate applies clear to Detroit?

Mr. Belding: To Detroit, as I understand it.

Mr. Stone: Is it not also the fact that the Illinois Central has a line into Louisville and Indianapolis, and that is farther east than the division where you run?

Mr. Belding: Yes, sir.

Mr. Stone: This $2,000 a year that you are earning; how long do you think you can continue at that over this long division, with this heavy tonnage and long hours, and keep going?

Mr. Belding: I don't just understand you. Do you mean how long will I live?

Mr. Stone: No, I mean how long will you be able to stand doing that work.

Mr. Belding: Well, I will be compelled to stand it for a while yet.

Mr. Stone: If you can?

Mr. Belding: If I can, yes.

Mr. Stone: And the further fact that you can convince the company that you can stand it?

Mr. Belding: Yes, sir.

Mr. Stone: Is it not a fact that there are about 2,200 miles of the Wabash road that is in this western movement?

Mr. Belding: I don't know. I was never further west before in my life—the first time I ever visited Chicago, and have lived in this territory for fifty years.

Mr. Stone: You have been busy working?

Mr. Belding: Very busy.

Mr. Stone: I think that is all, Mr. Chairman.

Mr. Byram: Mr. Belding, this freight run that you speak of is 172 miles, I believe?

Mr. Belding: Yes, sir.

Mr. Byram: From Decatur to Peru, Indiana?

Mr. Belding: Yes, sir.

Mr. Byram: And the limit of service under the Federal law is sixteen hours?

Mr. Belding: Yes, sir.

Mr. Byram: So that, in order to make this trip of 172 miles within sixteen hours, you must travel faster than a rate of ten miles an hour?

Mr. Belding: Yes, sir.

Mr. Byram: Then, in case of a tie-up under the law, such an occurrence would represent a failure to make a speed of ten miles an hour on this district, because of its length?

Mr. Belding: I don't just get that.

Mr. Byram: To tie up under the Sixteen Hour Law represents a failure to make a speed of ten miles an hour?

Mr. Belding: Yes.

Mr. Byram: In other words, every time a freight train fails to make ten miles an hour on this 172 miles, it would tie up under the Sixteen Hour Law?

Mr. Belding: Yes. I cannot make any overtime on that district.

Mr. Byram: You said you thought about two tie-ups a day occurred?

Mr. Belding: I believe that is a fair estimate.

Mr. Byram: What I mean is that those two tie-ups would necessarily represent a failure to make ten miles an hour on this long distance of 172 miles; whereas, on a district of 150 miles, for instance, made in fifteen hours, that is, at the same rate of speed, there would not necessarily be a tie-up under the Sixteen Hour Law?

Mr. Belding: No, sir.

Mr. Byram: But, because this is a long distance, you are more subject to tie-ups?

Mr. Belding: Yes, sir.

Mr. Byram: I mean the necessity of making better than ten miles an hour speed.

Mr. Belding: Yes. It is too long a distance to try to haul heavy trains.

Mr. Byram: And you said, as I remember it, that all the

crews in the pool there average this trip in thirteen or fourteen hours?

Mr. Belding: I believe that is a fair estimate. We have some very fast trains and very slow ones.

Mr. Byram: So that, when you mix them all up, you make considerably better than ten miles an hour?

Mr. Belding: I think so, yes, sir.

Mr. Byram: At fourteen hours, taking the longest time that you estimate as the average, the speed to make it in fourteen hours would be something over twelve miles an hour, would it not?

Mr. Belding: Well, I have not figured it, but it would be over ten.

Mr. Byram: It would be over ten?

Mr. Belding: Yes, sir.

Mr. Byram: So that you make considerably better than ten miles an hour on this run?

Mr. Belding: Yes, sir.

Mr. Byram: And the tie-ups are perhaps more frequent because of such a long distance?

Mr. Belding: Yes. We have repeatedly tried to get our officials to come together with us and shorten up the terminals and reestablish a terminal at Tilton, that would be 101 miles. That is the old terminal. They have a roundhouse there, and a roundhouse force. But, we are unable to do it.

Mr. Byram: That would be better for you?

Mr. Belding: Oh, yes.

Mr. Byram: To have a short one of one hundred miles?

Mr. Belding: Yes, it would be more satisfactory to the men. This tie-up proposition is a terrible thing with us.

Mr. Byram: And that is due largely to the length of this division?

Mr. Belding: Yes. It is injurious to a man's health, and it is dangerous. It is dangerous to ask a man to lie down in a caboose, lying parallel with the main track; it is not fair to ask him to expose himself to the danger that he is in, lying parallel to the main track, just in the clear of the switch, with fast freight trains and passenger trains going by there at all times. The worst wrecks we have ever had have happened from the fact of trains running into open switches. And you take four or five

men in a caboose in that position, and it is not very desirable. There are some of our men that won't do it. I have seen them lying under the trees in warm weather, and I have seen them sleep in the pump house.

Mr. Byram: You think then, a shorter division, of one hundred miles, would be much better?

Mr. Belding: I believe that would be much more satisfactory, yes, sir; it would to me.

Mr. Byram: Would it be your plan to make the other seventy-two miles another division?

Mr. Belding: Well, I wouldn't want to plan the company's business. It is their business, but that is the way I would like it. I tell you, I do not like these hundred and seventy-two mile trips.

Mr. Byram: That is all.

Mr. Park: If the division was cut where you think it should be, and the division east of there was seventy-two miles, that would mean that the company would pay constructive mileage in that territory?

Mr. Belding: I believe that is the reason they will not do it, yes, sir.

Mr. Park: What proportion of your trains are fast trains?

Mr. Belding: I think they are about evenly divided.

Mr. Park: What do they consist of, stock?

Mr. Belding: Meat and stock, east, yes, sir, and high class merchandise, Red Ball freight west.

Mr. Park: What is your drag freight, coal?

Mr. Belding: No, we do not haul much coal west.

Mr. Park: Grain?

Mr. Belding: No, some coal and lumber and empties. We very seldom get a train made up of loads. We generally figure about sixty-five to ninety cars in a train, forty loads and forty empties, to make the tonnage rating; it makes long trains all the time going west.

Mr. Park: I think that is all.

Mr. Burgess: Mr. Belding, do I understand you to state that it is common to tie up under the Hours of Service Law, where you cannot get a bed or something to eat?

Mr. Belding: Very.

Mr. Belding: You have stated, if I recall correctly, that

the engine crews usually sleep in the caboose, or under a tree, when the weather will permit; is that right?

Mr. Belding: Yes, I have seen them sleeping under trees in warm weather, with a paper over their face. I never did it.

Mr. Burgess: How do they get something to eat?

Mr. Belding: Well, there are some of those small towns down through Illinois, where we run, where, in the daytime, you will be able to find a lunch counter; but after bed time, nine o'clock in the evening, until six o'clock in the morning, if you tie up, there is no chance for you.

Mr. Burgess: In answer to a question by Mr. Sheean, I understood you to say that the rate between Detroit and Buffalo, for engineers and firemen, was lower than on other parts of the Wabash system; is that correct?

Mr. Belding: That is my understanding. I do not know, but I understand that it is. Between Detroit and Buffalo I understand that our men do not get as high a rate as we do. I may be mistaken.

Mr. Burgess: Well, if that is true, Mr. Belding, it would be an unusual condition not to pay the same rate on the same system, for the same engine and the same class of service, would it not?

Mr. Belding: I should think it would.

Mr. Burgess: Is it not a fact that the Wabash trains between Detroit and Buffalo run over the Grand Trunk tracks?

Mr. Belding: That is my understanding. I am not familiar with the territory.

Mr. Burgess: Is it not a fact that, until the year 1911, the officers of the Wabash Railroad were prevented from paying a higher rate between Detroit and Buffalo, by an agreement with the Grand Trunk, than the rate that obtained on the Grand Trunk Railway?

Mr. Belding: I believe that is right.

Mr. Burgess: And there has been no general wage movement since 1910, with the exception of this one; is that right?

Mr. Belding: I do not know of any.

Mr. Burgess: And that particular condition between Detroit and Buffalo, whereby the engineers and firemen were compelled to accept that rate, was not adjudicated until the year 1911, was it?

Mr. Belding: I do not know the date, but I know that such conditions exist. I have never done any committee work or anything of the kind. All that I know is what I see in our schedule, or what somebody tells me.

Mr. Burgess: That is all.

Mr. Sheean: Right here, in this so-called western zone, is it not a fact that the Pennsylvania Railroad uses, under a lease, the tracks of the Wabash between Butler, Indiana, and Toledo, Ohio, a distance of seventy-six miles?

Mr. Belding: I believe they do run a couple of trains over there.

Mr. Sheean: And, is it not a fact that the engineers and firemen on the Pennsylvania Railroad, operating over those seventy-six miles of rails, are paid less money, a lesser rate per hundred miles, than the Wabash pays its men for operating the same engines over the same rails?

Mr. Belding: They do not have the same engines, as I understand it.

Mr. Sheean: Well, the same weight on drivers of engines.

Mr. Belding: Oh, no, they have not anything only little bits of light power.

Mr. Sheean: Does not the Wabash operate some light power down there over the same part of the line?

Mr. Belding: They might on some of their small passenger trains, and I believe they do.

Mr. Sheean: What is it?

Mr. Belding: I believe they have some light engines down there.

Mr. Sheean: I mean right over that seventy-six miles, where the Pennsylvania operates under lease, over the seventy-six miles and the Wabash also operates between Butler, Indiana, and Toledo, Ohio; is it not a fact that the engineer on the Pennsylvania gets less money on the same kind of an engine than the Wabash man does over the same road?

Mr. Belding: I believe that it is. He must, if he is paid a little lower rate.

Mr. Sheean: Now, the Wabash comes into the Union Station at Toledo, where the Lake Shore comes in, does it not?

Mr. Belding: Yes, sir.

Mr. Sheean: Isn't it true, that an engineer and fireman

coming into that same Union Station on the Wabash, because of the Wabash being in this western movement, receives more money, a higher rate, than the man on the Lake Shore?

Mr. Belding: That is the case.

Mr. Sheean: What is it?

Mr. Belding: That is the case.

Mr. Sheean: On the Pere Marquette between Romulus and Detroit, it is true that the Pere Marquette pays a less rate than the Wabash does, between the same points?

Mr. Belding: If they get a lower rate.

Mr. Sheean: You know that they are an eastern road?

Mr. Belding: Yes, they are in the eastern association, I expect, yes, sir.

Mr. Sheean: And that is also true of these other roads that I have previously mentioned here, the Erie, the Pennsylvania, the B. & O. S. W., and the Big Four, that operate through Indiana, in the same general direction as your road?

Mr. Belding: Yes.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Just one question, Mr. Belding: If you did not get your pay in miles, instead of hours, you would not be able to earn that $2,000 a year, would you, that they talk about?

Mr. Belding: No, it is the miles I am after.

Mr. Stone: That is all.

The Chairman: You may stand aside.

(Witness excused.)

The Chairman: Call your next witness.

JOHN FINN was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer John Finn, of the Great Northern Railway, who is running through the Cascade Tunnel, that is between Cascade and Tye, a little town at the other end of the tunnel. Running one of the electric locomotives.

Mr. Finn, you are at present in the employ of the Great Northern Railway as a locomotive engineer?

Mr. Finn: Yes, sir.

Mr. Stone: How long have you been in the service of the Great Northern Railway?

Mr. Finn: Since 1903.

Mr. Stone: As a fireman, how long?

Mr. Finn: Three years and a half as fireman, and the balance as an engineer.

Mr. Stone: At the present time you are running one of the electric locomotives?

Mr. Finn: Yes, sir.

Mr. Stone: Through the tunnel?

Mr. Finn: Yes, sir.

Mr. Stone: What experience have you had with the electric service?

Mr. Finn: About three and a half years.

Mr. Stone: In your judgment, does it require as much skill on the part of an engineer and helper to operate an electric locomotive, as is required in the operation of a steam locomotive?

Mr. Finn: Yes, sir.

Mr. Stone: In what way, why does it?

Mr. Finn: Because you have got to pass all rules, you are responsible for all transportation rules and signals, the same as in steam service.

Mr. Stone: Pass the same examinations, exactly, as the steam engineer?

Mr. Finn: Yes, sir.

Mr. Stone: I wish you would explain to the Board what is necessary for the engineer and helper on the electric locomotive to do, in order to prepare the engine for service?

Mr. Finn: The fireman has got to put up the poles and assist the engineer in the following duties: See that the pumps and fan motors are in working condition. See that the fuses are in their proper places. See that there are the necessary supplies on the engine for the trip, and oil around.

Mr. Stone: Do you mean oil around motor bearings and everything else, do you include them?

Mr. Finn: Yes; see that they are oiled and oil around.

Mr. Stone: Do you consider the work of preparing an electric locomotive equal to the same work on the steam locomotive?

Mr. Finn: Yes, sir.

Mr. Stone: In order to make a thorough inspection of the electric locomotive, and know that it is ready for service, it is necessary to have the engine charged, is it not?

Mr. Finn: Yes, sir, you carry the full voltage while you are inspecting this engine.

Mr. Stone: Then, there is, if anything, a greater element of danger?

Mr. Finn: Yes, sir, the switchboard is liable to blow out while you are inspecting this engine.

Mr. Stone: That is what you call a short circuit, when they blow the switchboard out?

Mr. Finn: Yes, sir.

Mr. Stone: Has this ever occurred to you?

Mr. Finn: Yes, sir.

Mr. Stone: Were you ever injured in any way in this manner?

Mr. Finn: No, sir. Fortunately I was at the other end of the car any time a switchboard blew out, on any car I was on.

Mr. Stone: Do you know of any of the crews on these electric locomotives that have been injured in this manner?

Mr. Finn: Yes, sir.

Mr. Stone: What happened to them?

Mr. Finn: Their faces were burned so as to require medical attention.

Mr. Stone: Since you have been in the service these three and a half years, how many have been burned?

Mr. Finn: I can remember four.

Mr. Stone: Were they burned seriously?

Mr. Finn: Two, seriously, and two requiring medical attention.

Mr. Stone: Are your seniority rights interchangeable, as between steam and electric service?

Mr. Finn: Yes, sir.

Mr. Stone: Where is the electric service located on the Great Northern?

Mr. Finn: Between Tye and Cascade, through the tunnel.

Mr. Stone: How long is that tunnel?

Mr. Finn: 15,000 feet, or nearly three miles.

Mr. Stone: When was the electric service installed there?

Mr. Finn: July, 1909.

Mr. Stone: Did you ever work through the Cascade tunnel before the electric service was installed?

Mr. Finn: Yes, sir, as fireman.

Mr. Stone: In what class of service?

Mr. Finn: In freight service and helper service.

Mr. Stone: How long was that before the electric service was installed?

Mr. Finn: About four years previous.

Mr. Stone: Are you familiar with the conditions in this tunnel prior to the time that electric service was installed, when the trains were hauled by steam power, I mean.

Mr. Finn: Yes, sir.

Mr. Stone: What were the conditions?

Mr. Finn: They were very bad.

Mr. Stone: You say very bad; in what way were they bad?

Mr. Finn: Well, men were frequently overcome by gas, smoke and so forth.

Mr. Stone: You had quite a good many cases of men being overcome by gas?

Mr. Finn: Yes, sir.

Mr. Stone: Was there any delay in handling traffic through the tunnel?

Mr. Finn: Yes, sir, considerable delay.

Mr. Stone: Describe it, describe what the delay consisted of.

Mr. Finn: Well, at that time, they were handling two engine trains from the foot of the hill, Skykomish, and arriving at Tye they had a tunnel helper located there, which took part of the train through the tunnel, and that helper had to clear the block at the other side of the tunnel, Cascade, before the other part of the train could start through.

Mr. Stone: How long did it take a helper engine to take the first cut of cars through the tunnel?

Mr. Finn: That would depend on the conditions; under favorable conditions it would be twenty or thirty minutes.

Mr. Stone: Under unfavorable conditions how long did it take?

Mr. Finn: Well, it would take thirty or forty minutes, if they didn't stall.

Mr. Stone: Do you know of any train stalling in the tunnel, when it was operated by steam?

Mr. Finn: Yes, sir.

Mr. Stone: Then, when the train stalled, it required a much longer time?

Mr. Finn: Yes, you had to back out sometimes.

Mr. Stone: Since the installation of the electric service, have you ever used a steam engine through the tunnel?

Mr. Finn: Yes, sir.

Mr. Stone: What caused that?

Mr. Finn: The trolley wires being down; the transmission line being down.

Mr. Stone: Then, as I understand it, the men have to be in a position to operate both the steam engine and the electric locomotive?

Mr. Finn: Yes, sir.

Mr. Stone: Since the installation of the electric service through the tunnel, have they increased the tonnage?

Mr. Finn: Yes, sir.

Mr. Stone: How much?

Mr. Finn: Well, they used to use smaller engines, and two engines to a train; and now they use large engines, with three engines to a train. The small engines used to take up about 1,200 tons, and I think that is the rating they have now, and now it is 2,500 tons for the three Mallet engines.

Mr. Stone: Can you take the larger trains through the tunnel in as short a time as when you handled the two-engine train?

Mr. Finn: Yes, sir, about the same time.

Mr. Stone: At what tonnage is your electric engine rated, through the tunnel?

Mr. Finn: Five hundred tons, provided an engine don't give them a start through the mouth of the tunnel. Then they will pull seven hundred tons.

Mr. Stone: What is the grade through the tunnel?

Mr. Finn: The ruling grade is 1.7 per cent.

Mr. Stone: Then, if I get the idea right, with electricity, you can handle double the tonnage, or nearly so, through the tunnel, in the same length of time as when you used to operate with steam?

Mr. Finn: Yes, sir.

Mr. Stone: This town where you live, this town of Tye, what sort of a town is it?

Mr. Finn: It is just a helper station or terminal for the motors, motor crews.

Mr. Stone: Are there any other people living there outside of the crews that run on these electric motors?

Mr. Finn: There is a store keeper living there.

Mr. Stone: About how many families, all told, are there in this town?

Mr. Finn: About twenty.

Mr. Stone: Are there any schools there?

Mr. Finn: Yes.

Mr. Stone: What kind of a school is it?

Mr. Finn: A common school, up to the seventh grade.

Mr. Stone: Beyond that, what? After you got beyond the seventh grade, then what?

Mr. Finn: Well, you could move out, I guess, after that.

Mr. Stone: Are there any churches of any kind there?

Mr. Finn: No, sir.

Mr. Stone: What is your nearest church?

Mr. Finn: About thirty miles, Leavenworth.

Mr. Stone: Then, if I understand it, after your children have passed the seventh grade, it is necessary to go to the additional expense of sending the children away from home, in order to secure an education, is that right?

Mr. Finn: Yes, sir.

Mr. Stone: Are there any families there now who are sending their children away to school?

Mr. Finn: Yes, sir.

Mr. Stone: Is there any public highway from Tye to Leavenworth?

Mr. Finn: No, sir.

Mr. Stone: The railroad is the only way?

Mr. Finn: The railroad is the only way of getting there.

Mr. Stone: Are you required to work every day or every night, whichever you are assigned to?

Mr. Finn: Yes, sir.

Mr. Stone: Is there any doctor located there?

Mr. Finn: No, sir.

Mr. Stone: How far would you have to send for a doctor?

Mr. Finn: About twenty miles, to Skykomish.

Mr. Stone: After you did call him, how would he get there?

Mr. Finn: He would get there by railroad, whenever the trains ran.

Mr. Stone: But, if any member of your family required regular medical treatment, what would be necessary for you to do?

Mr. Finn: You would have to send him away to a hospital.

Mr. Stone: Have you ever had to send any member of your family away for treatment?

Mr. Finn: Yes, sir.

Mr. Stone: It would not be necessary to do this if you had a doctor at Tye, would it?

Mr. Finn: No, sir.

Mr. Stone: As I understand it, Tye is located in the heart of the Cascade Mountains, at the west portal of the tunnel?

Mr. Finn: Yes, sir.

Mr. Stone: What rate of pay do you receive on these electric locomotives?

Mr. Finn: $4.90 for ten hours or less.

Mr. Stone: That is the same rate as was paid on the steam locomotive that was displaced by the electric locomotive?

Mr. Finn: Yes, sir.

Mr. Stone: Then, in other words, when the change was made from steam to electricity, the company applied the same rate of pay and working conditions to engineers and firemen in the electric service, that was originally paid on the steam locomotives in that service?

Mr. Finn: Yes, sir.

Mr. Stone: Do you get any additional rate?

Mr. Finn: Ten per cent additional for mountain service.

Mr. Stone: Is that paid in any other service besides the electric?

Mr. Finn: All service between Skykomish and Leavenworth, over the Cascade Mountains.

Mr. Stone: The $4.95 rate plus the 10 per cent would make your rate how much, for ten hours?

Mr. Finn: $5.39.

Mr. Stone: Do you make any overtime?

Mr. Finn: Very little.

Mr. Stone: About what does your pay average for a month of thirty days?

Mr. Finn: A little over sixty dollars.

Mr. Stone: What rate of pay does the fireman who is with you on the electric locomotive receive?

Mr. Finn: $3.30, for ten hours or less.

Mr. Stone: Does the 10 per cent differential for mountain grade apply to his rate also?

Mr. Finn: Yes, sir.

Mr. Stone: Then, if I have figured it correctly, that would make his rate for ten hours or less, $3.63, is that correct?

Mr. Finn: Yes, sir.

Mr. Stone: Is that the same rate that is paid now on the locomotives that were displaced by the electric motors?

Mr. Finn: Yes, sir.

Mr. Stone: What are the fireman's duties while you are in operation with these electric locomotives?

Mr. Finn: The locomotive has got two trolley poles on each end of each car, and he is supposed to change those poles and hang onto them at all times, while you are in motion, outside of the tunnel.

Mr. Stone: That is, he is required to place the trolley pole at the rear end of the car, on the wire?

Mr. Finn: On the wire.

Mr. Stone: And hang onto the rope?

Mr. Finn: And hang onto the rope, yes, sir, to keep the pole from coming off and causing serious damage.

Mr. Stone: What other duties do they have?

Mr. Finn: They have got to wipe the cars inside and out, keep them in a tidy condition. They have got to wipe the insulators on top of the car, and assist the engineer in inspecting them, and so forth.

Mr. Stone: When you have two locomotives coupled together, are there two engine crews on the two locomotives?

Mr. Finn: There are two firemen, and one engineer, operating two locomotives.

Mr. Stone: You have a fireman on the rear end of each locomotive, hanging onto the trolley pole?

Mr. Finn: Yes, sir.

Mr. Stone: And one engineer is operating both electric locomotives?

Mr. Finn: Yes, you cannot move unless they are out hanging onto the trolley pole.

Mr. Stone: Are the firemen's seniority rights interchangeable between the electric and steam service?

Mr. Finn: Yes, sir.

Mr. Stone: Then, whenever the electric service goes out of commission, and it is necessary to use steam engines in the tunnel, these men are required to fire these engines?

Mr. Finn: Yes, sir.

Mr. Stone: Is running one of the electric locomotives a preferential position, so far as you are concerned, yourself?

Mr. Finn: No, sir.

Mr. Stone: Were you ever on the motors previous to your present assignment?

Mr. Finn: Yes, sir.

Mr. Stone: Why did you leave them?

Mr. Finn: Well, to get to civilization, for one reason; and I prefer a freight run, I prefer a run on the road.

Mr. Stone: How long were you away from the electric service?

Mr. Finn: About a year and a half.

Mr. Stone: What brought you back?

Mr. Finn: Reduction in force and I could not hold the job any longer.

Mr. Stone: You stated that you preferred a road engine to the electric service. What are your reasons for making that preference?

Mr. Finn: Well—

Mr. Stone: Is there any greater danger with the electric service than there is with steam?

Mr. Finn: Yes, sir. It isn't very nice to be working with fifty hundred or sixty hundred volts over your head all the time.

Mr. Stone: What is your feed wire voltage?

Mr. Finn: 6,600.

Mr. Stone: And the service wire from where it is generated is higher than that, is it not?

Mr. Finn: Yes, that is 33,000, from the sub-station—from the power house to the sub-station.

Mr. Stone: And 6,600 from the main feed wire?

Mr. Finn: Yes, sir.

Mr. Stone: And that is brought down from the trolley wire to the cab at that voltage?

Mr. Finn: Yes, sir.

Mr. Stone: And then it is cut down to what, through the transformer?

Mr. Finn: It is cut down to 500 volts through the transformers, two in each engine; it is cut down to 500 volts for use in the motors.

Mr. Stone: Do your duties require you to go on top of the car, thus coming in close proximity to these overhead wires?

Mr. Finn: Yes, sir.

Mr. Stone: Is it not much more dangerous where your duties require you to do this at night?

Mr. Finn: Yes, sir.

Mr. Stone: Have any of the men been injured by the overhead wires?

Mr. Finn: Yes, sir, two firemen.

Mr. Stone: Were they killed, or just badly burned?

Mr. Finn: Badly burned.

Mr. Stone: They did not get the full shock of the 6,600 volts, then?

Mr. Finn: Yes, they did. As I understand it, they were right opposite a sub-station, one of them, and the sub-station operators saw him the minute he got the first shock and they threw out the jacks, and they left them out of it; but they are supposed to throw them in three times when they go out, so in case you would not be opposite the sub-station, they would throw them in three times on you.

Mr. Stone: That is, if for any cause the jacks or circuit breakers are thrown out?

Mr. Finn: Yes, sir.

Mr. Stone. They throw them in three times, if they keep on kicking out?

Mr. Finn: Yes, sir.

Mr. Stone: And in this particular case, all that saved the fireman's life was the fact that he was opposite the sub-station, where they could see it?

Mr. Finn: Yes, sir, I guess so.

Mr. Stone: So, at all times, right over the roof of the car down to the transformer there are always 6,600 volts?

Mr. Finn: Yes, sir.

Mr. Stone: And yet in our prisons we only use about 1,500 or 1,800 volts to electrocute, don't we, that is about all?

Mr. Finn: Well, I don't know, I never was there.

Mr. Shea: You never experienced that?

Mr. Finn: No, sir, but after you live at Tye a while you might prefer being there.

Mr. Stone: I think that is all.

CROSS EXAMINATION.

Mr. Sheean: How old are you, Mr. Finn?

Mr. Finn: I am about thirty years old, pretty nearly thirty.

Mr. Sheean: How long have you been an engineer?

Mr. Finn: Seven years and a half.

Mr. Sheean: Seven years and a half?

Mr. Finn: Yes, sir.

Mr. Sheean: And fired how long?

Mr. Finn: Three years and a half.

Mr. Sheean: Now, during the seven and one-half years, you have held this helper place twice?

Mr. Finn: Twice, yes, sir.

Mr. Sheean: From 1909 down to when?

Mr. Finn: From the fall of 1909, about two years and a half that time, and then I went on again about a year ago, a little over a year.

Mr. Sheean: A little over a year?

Mr. Finn: Yes, sir, about a year ago.

Mr. Sheean: During this last period that you went back and took this place your earnings while you lived there at Tye were something over $1,900 the last year, were they not?

Mr. Finn: Well, you can figure it out, a little over $160 a month.

Mr. Sheean: Well, sometimes it ran up as high as $197, or as high as $220 a month?

Mr. Finn: My earnings?

Mr. Sheean: Yes.

Mr. Finn: Oh, no.

Mr. Sheean: Do you happen to remember what you drew in August, 1913?

Mr. Finn: August, 1913?

Mr. Sheean: Yes.

Mr. Finn: I don't believe I was on the motors in August, 1913.

Mr. Sheean: Well, September, 1913; during September 1913, you had another run, did you, in local or way freight service?

Mr. Finn: I think so, I might have.

Mr. Sheean: Yes. Well, you had the local run during September?

Mr. Finn: Yes.

Mr. Sheean: And that paid you $220?

Mr. Finn: I don't think I ever made $220.

Mr. Sheean: You have not your slip or record for the month of September, 1913?

Mr. Finn: No, sir, I have not.

Mr. Sheean: Have you any record or memorandum as to what your earnings were from July 1st, 1913, to July 1st, 1914?

Mr. Finn: No, sir, I have not.

Mr. Sheean: You have not kept track of that?

Mr. Finn: No, sir.

Mr. Sheean: Do you remember how many days you laid off during that time?

Mr. Finn: Well, I might have laid off some. I was displaced quite frequently during that time, I think.

Mr. Sheean: Well, during the entire year you were off something like fifty days?

Mr. Finn: I don't know exactly how long.

Mr. Sheean: Laying off ten days or two weeks at a time?

Mr. Finn: I might have, yes. I don't think I ever laid off that long, though. I laid off long enough to look for a job.

Mr. Sheean: What is that?

Mr. Finn: I laid off long enough to look for a job, after I got displaced from a job, I would lay off long enough to look for another one.

Mr. Sheean: And you, finally, in December, or about a year ago, December, 1913, dropping from one job to another, landed on this $165 a month job?

Mr. Finn: Yes, sir.

Mr. Sheean: Where you never work over ten hours a day?

Mr. Finn: Ten hours, yes.

Mr. Sheean: And that $165 a month is what it pays on working ten hours or less per day?

Mr. Finn: No, sir; it does not pay $165 working ten hours or less a day. It pays $161.40.

Mr. Sheean: And how many days?

Mr. Finn: Thirty days.

Mr. Sheean: How many electric engines are there on the Northern Pacific?

Mr. Finn: I don't know anything about the Northern Pacific.

Mr. Sheean: Or the Great Northern, I mean.

Mr. Finn: We have got four.

Mr. Sheean: All at this tunnel?

Mr. Finn: All at this tunnel, yes.

Mr. Sheean: And the operation on all of the engines is the operation you have described here; the engines are the same in size and style?

Mr. Finn: Yes, sir, they are all the same style.

Mr. Sheean: What is the weight on drivers?

Mr. Finn: 113½ tons.

Mr. Sheean: 113½ tons is the weight on drivers?

Mr. Finn: Yes, sir.

Mr. Sheean: And the rate that is paid there is a little less than the lowest through freight rate, is it not?

Mr. Finn: It is the same as the 1,100 class engine.

Mr. Sheean: Were there any 1,100 class engines operated there?

Mr. Finn: Before the motors?

Mr. Sheean: Yes.

Mr. Finn: Yes, sir, because there was an 1,100 class engine that—

Mr. Sheean: What was the weight on drivers of those engines?

Mr. Finn: Well, I can tell you in half a second, by looking, if you want me to.

Mr. Sheean: Yes, if you can, please.

Mr. Finn: I think so (consulting paper). The tractive power is 39,090 pounds, of an 1,100 class, 20 by 22-inch cylinder.

Mr. Sheean: 39,090?

Mr. Finn: Tractive power, yes, sir.

Mr. Sheean: And is the weight on drivers given there?

Mr. Finn: I don't know whether I have the weight on drivers here.

Mr. Sheean: If you can, give me the tractive power of these electric motors.

Mr. Finn: The weight on drivers of some of those 1100's is 179,000 pounds. That runs from—

Mr. Sheean: How low do they run in weights on drivers? That is the high weight?

Mr. Finn: I think it is the average weight.

Mr. Sheean: The average weight?

Mr. Finn: Yes, sir.

Mr. Sheean: What is the tractive effort of these motors that replaced them there?

Mr. Finn: The tractive power of each motor, each engine, is 35,000 pounds.

Mr. Sheean: The rate that applied to these engines when they were put in was the lowest through freight rate that was then in effect on this railroad, was it not?

Mr. Finn: It is the same rate that was applied to the 1100 class engine.

Mr. Sheean: Well, that was the minimum freight rate, was it not?

Mr. Finn: Yes, sir; at that time.

Mr. Sheean: At that time?

Mr. Finn: Yes.

Mr. Sheean: It is lower than the present minimum freight rate, is it not? The minimum freight rate on the Great Northern is 5.5, is it not?

Mr. Finn: For an 1100 class engine?

Mr. Sheean: For any class engine in through freight service.

Mr. Finn: I don't know exactly.

Mr. Sheean: About how many miles a day do you make there, Mr. Finn, on this engine?

Mr. Finn: Actual miles?

Mr. Sheean: Yes.

Mr. Finn: Well, sir, I could not exactly tell you. We might make an average of four or five trips through there, or three—that depends on the business. Everything that comes up we have got to take it through.

Mr. Sheean: The round trip that you make going up and

coming back is about how many miles—the distance that you go with the motors?

Mr. Finn: About seven miles, I should think—six or seven miles.

Mr. Sheean: On the round trip?

Mr. Finn: On the round trip, yes sir.

Mr. Sheean: And you make three or four of those a day?

Mr. Finn: Yes, sir.

Mr. Sheean: About how long does it take you on each one of those round trips?

Mr. Finn: Oh, you can go right over and back in thirty minutes.

Mr. Sheean: Well, forty-five minutes would be rather a long trip, wouldn't it?

Mr. Finn: Yes, sir.

Mr. Sheean: And a fair average of those is three or four forty-five minute trips a day?

Mr. Finn: Sometimes more.

Mr. Sheean: Between those trips, just what are you doing?

Mr. Finn: You have got to do all the switching at both ends of the tunnel.

Mr. Sheean: Just what switching is there there?

Mr. Finn: Well, bad order cars, such as draw bars pulled out coming up the hill, or anything in that way, you have got to take those cars and have them turned; you have got to get on the engine and turn it, and probably put up coal and sand, and then you have got to handle the rotary, the snow plow, in the winter time.

Mr. Sheean: Rotary snow plow where?

Mr. Finn: Around the yards at Cascade Tunnel and Tye.

Mr. Sheean: This sand that you speak of is handled where?

Mr. Finn: Sand for the motors, switching out sand.

Mr. Sheean: Switching out loads of sand that come in for the sand boxes?

Mr. Finn: Yes, sir.

Mr. Sheean: About how many cars of sand do you switch there in a year?

Mr. Finn: Oh, we don't switch many.

Mr. Sheean: What else do you have to switch there?

Mr. Finn: We have got to do all the work-train work.

Mr. Sheean: What work-train work is there?

Mr. Finn: One year I was there we had to lay the steel and put in new ballast in the tunnel, three miles of tunnel.

Mr. Sheean: Was that with this motor?

Mr. Finn: Yes, sir.

Mr. Sheean: When was that?

Mr. Finn: It was in 1910, or 1911, I don't exactly know.

Mr. Sheean: Let us take since a year ago, when you went back there; you have about three or four forty-five minute trips a day to make in the helper service?

Mr. Finn: Yes, sir.

Mr. Sheean: Just what is there at either of those points in the way of switching. You spoke of bad order cars occasionally set out.

Mr. Finn: Yes, sir.

Mr. Sheean: How many bad order cars would you say were set out in a day there?

Mr. Finn: That depends—sometimes—I could not give you an average, you know.

Mr. Sheean: You have a bad order car, and occasionally switch a car of sand. What other cars come in there?

Mr. Finn: Coal cars.

Mr. Sheean: Coal for the power plant?

Mr. Finn: Yes, sir.

Mr. Sheean: About how many cars of coal a month come in there?

Mr. Finn: They store cars there for the winter for rotary service. I don't know exactly how much coal they do burn in the steam heating plant, but we have got to put it up there.

Mr. Sheean: I was wondering whether you could give any estimate about how much coal comes into this point.

Mr. Finn: No, sir.

Mr. Sheean: Is there any other switching than that you have spoken of, that is done at either of these points?

Mr. Finn: We do everything that is related to handling a road through there.

Mr. Sheean: I was trying to find out what there was, relating to the handling of a railroad, that was being done there —occasionally a bad order car, coal for the power plant and sand for the engines.

Mr. Finn: Yes, sir.

Mr. Sheean: What else is there there?

Mr. Finn: Well, there is this rotary and the snow dozer, that I am talking about; you have got to doze out all of these yards there every day or every other day during the winter time.

Mr. Sheean: How long would it ordinarily take you with the use of a rotary to run your engine and clean all of the tracks in the yard?

Mr. Finn: That depends on how much snow there had been.

Mr. Sheean: Take a good, heavy fall of snow; take a foot and a half fall of snow, or even as heavy as you want to put it; how long will it take you?

Mr. Finn: I have spent five hours dozing out Cascade yard alone. It is hard to doze out the Tye yard on account of so many switches, and you have got to be raising your wing and lowering it at every switch. It takes a long time, especially when it is frozen up.

Mr. Sheean: In case the yard is frozen?

Mr. Finn: It would take me longer to clean out this yard.

Mr. Sheean: In case of the freezing up of the yard, what has the engineer to do with that?

Mr. Finn: The engineer doesn't have to get off his motor—he handles the motor.

Mr. Sheean: He runs the motor back and forth?

Mr. Finn: Yes, sir.

Mr. Sheean: Now, what is the mechanism by which this motor is operated, a lever?

Mr. Finn: A controller is what they call it.

Mr. Sheean: Is that a controller that stops the operation, except when pressed upon by the operator, or how does it work?

Mr. Finn: It works something the same as the throttle on an engine, but you cannot pull it wide open; you have got to get it a notch at a time.

Mr. Sheean: Yes.

Mr. Finn: The same as a street car would operate.

Mr. Sheean: It is just about the same operation as on a trolley car on the street?

Mr. Finn: Only on a larger scale.

The Chairman: Mr. Sheean, will you suspend. We will adjourn until tomorrow morning at 10 o'clock.

(Whereupon, at 5 o'clock P. M., December 15, 1914, an adjournment was taken until 10 o'clock A. M., December 16, 1914.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, by agreement dated August 3, 1914.

Chicago, Illinois, December 16, 1914.

Met pursuant to adjournment at 10:05 A. M.
Present: Arbitrators and parties as before.

Mr. Sheean: Mr. Stone, I have just a question or two. Do you want to straighten out this question of rates, first, or would you rather have me go ahead?

Mr. Stone: No, you go right ahead and then I will straighten it out later.

The Chairman: Just one moment: The Board has decided to take an adjournment next Tuesday for the holidays, and will re-convene on Monday, the 4th day of January. In the meantime, we will sit next Saturday during the morning session.

Mr. Stone: Might I ask a question, Mr. Chairman? Do I understand that you will work next Tuesday, that we will have a hearing next Tuesday and will adjourn Tuesday evening?

The Chairman: Yes, we will adjourn Tuesday afternoon.

Mr. Stone: And we will work next Saturday?

The Chairman: Yes; half a day Saturday. Proceed, Mr. Sheean.

JOHN FINN was recalled for further examination, and having been previously sworn, testified as follows:

Mr. Sheean: Mr. Finn, as I followed your testimony yesterday, you said something about a different tractive power on

this electric engine, at different speeds. Just explain that a little more fully.

Mr. Finn: No, we got the same speed, 17 miles an hour.

Mr. Sheean: No, but whether the tractive effort varied after you got up to a certain speed. Is it the same, starting out, as it is after the motor attains a certain speed? What I had in mind was, you said something yesterday about starting them out, or pushing them out, and then, after they attained a certain speed that they would maintain a certain tractive effort.

Mr. Finn: As I understand you, the tractive power is the drawbar pull.

Mr. Sheean: Yes.

Mr. Finn: In case they got 35,000 pounds drawbar pull, why, that is what they can pull, that is what they can start and pull.

Mr. Sheean: This drawbar pull that you speak of on this particular engine, is the drawbar pull starting from a position of rest, is it?

Mr. Finn: That is as I understand it, yes, sir.

Mr. Sheean: And that is the rating that is given those motors that you have described here?

Mr. Finn: Yes, sir.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Mr. Finn, yesterday, in cross examination by Mr. Sheean, on page 1239 of the proceedings, Mr. Sheean asked the following question:

"Well, that was the minimum freight rate, was it not?" and you replied, "Yes, sir, at that time."

Mr. Finn: Yes.

Mr. Stone: Is it not a fact that on the Great Northern there is a differential of 40 cents between helper service and through freight service for the same engine?

Mr. Finn: I think so, yes, sir.

Mr. Stone: Is it not a fact that the engine that was on helper service was getting a $4.90 rate?

Mr. Finn: $4.90 rate, yes, sir.

Mr. Stone: That was the maximum rate, except the

rate for the Mallet? That was the highest rate paid in helper service at that time, except the Mallet engine, was it not?

Mr. Finn: Yes, sir.

Mr. Stone: And the electric motor took the $4.90 rate, the same as the maximum rate in helper service, instead of the minimum?

Mr. Finn: Yes, sir.

Mr. Stone: You spoke of going on top of the car, Mr. Finn, and coming close to this heavy electric current. I wish you would explain to the Board a little more fully why it is necessary to go on top of the car?

Mr. Finn: When you are taking trains through the tunnel, why, a pole is liable to jump off this trolley wire. You have got two trolley wires and two poles, and striking a frog or a bad place in the wire it is liable to jump off; and that pole is liable to hit a circuit breaker and get bent, or a rope is liable to break and the pole is liable to go away up, and in order to get this pole straightened or to get it down, you have to get on top of the car.

Mr. Stone: When you are on top of the car, how far away from that 6,600 volts are you?

Mr. Finn: Well, that depends. The wires are not the same distance away from the car through the tunnel, the outside, and through the snowsheds. There is a difference. You are supposed to use your own judgment in regard to how close you get to this wire, how close you get to this 6,600 volts.

Mr. Stone: Well, I naturally understand a man would keep as far away from it as possible.

Mr. Finn: Oh, yes.

Mr. Stone: But how close will he have to come in doing this work that you speak of.

Mr. Finn: Well, I never got within three or four feet of it anyway.

Mr. Stone: You did not want to?

Mr. Finn: No, I would not.

Mr. Stone: Speaking of that construction work up there, in the cross-examination yesterday, it seemed to me that you took an unusually long time to get out one car in switching. Why does it take so long to get out one car in that switching?

Mr. Finn: Well, there is probably twenty feet of snow around there, sometimes, during the winter months, and you are

on a 2 per cent grade, and every car has to have the brake set and a block under it, and by the time a train man gets over all these cars, and digs his way through the snow to find a brake wheel, and gets down and crawls under a car to get a block out, it takes quite a long time.

Mr. Stone: And the car you want is not always first out?

Mr. Finn: No, it is probably last out.

Mr. Stone: But, in addition to all that, is it not a fact that all the cement and all the repair material for this tunnel is handled by electric motors?

Mr. Finn: Yes, sir; and if it is out of the electrical zone, we get an engine, if there is an engine in town, and we go down and switch all over with this engine.

Mr. Stone: So, taking it all together, you do not have much idle time?

Mr. Finn: No, not very much.

Mr. Stone: Is it not a fact that the older men avoid this electric service, as far as possible?

Mr. Finn: Yes, sir; I consider all the older men than I are holding better jobs.

Mr. Stone: And you would go back on steam tomorrow if you could get a better job.

Mr. Finn: Yes, sir; if I could get a freight run.

Mr. Stone: I was particularly interested in that month that you earned $220. You were not running an electric motor when you earned $220, were you?

Mr. Finn: No, sir.

Mr. Stone: What were you doing?

Mr. Finn: I was on a local, on an F-8 class engine.

Mr. Stone: You must have been working long hours.

Mr. Finn: Well, I kind of figure it out, that in order to make that much money, if I did make it, I don't know whether I did or not, you have got to work thirty-eight days a month to make it, between thirty-eight and thirty-nine, and with twenty-six days a month which all locals get, sometimes I work Sundays, but very seldom, you have to work over fourteen hours a day these twenty-six days a month.

Mr. Stone: So if you did earn that much and crowded thirty-eight days in one month, the chances are you laid off the next month to rest up, didn't you?

Mr. Finn: Well, I tried to lay off that month, but I could not get off. I think if they figure out how much I made next month, or the month after, looking for a job, after I got displaced off of that run, it would not average up to $220, it would be closer to $20.

Mr. Stone: I think that is all.

RE-CROSS EXAMINATION.

Mr. Sheean: You haven't your earnings for the month after the $220 month, have you?

Mr. Finn: Not the month after, no. I was working on a work train, as I understand it. But the month after that, if you have it there, you could tell them how much I made that month.

Mr. Sheean: The fact is the month following the $220 month, you made $197.40, isn't it?

Mr. Finn: Yes, maybe I did. I don't remember.

Mr. Sheean: The fact is, the month you made the $220.65 you made twenty-eight trips during that month, isn't it?

Mr. Finn: I don't know exactly how many trips I did make.

Mr. Sheean: This was a way freight you were on, and made runs of what distance, between what points?

Mr. Finn: Between Everett and Skykomish.

Mr. Sheean: What was the distance of that run?

Mr. Finn: I think it was about sixty miles.

Mr. Sheean: About sixty miles?

Mr. Finn: Yes, sir.

Mr. Sheean: On that run how many miles were you paid for?

Mr. Finn: I was paid for hours. I never made miles.

Mr. Sheean: You never made the sixty miles in less than ten hours?

Mr. Finn: I might have, yes.

Mr. Sheean: If you made the sixty miles in less than ten hours, how many hours were you paid for?

Mr. Finn: I was paid for ten hours, but there was only one day, and there was a Sunday and holiday right after the Sunday, and the holiday we ran because they were going over the road, and so we were not delayed so long on this holiday, because we didn't have any way freight or any shingles to pick up, or

anything, so we made the run in probably less than ten hours. I don't know.

Mr. Sheean: You haven't any record of the total number of hours you put in in making this $220?

Mr. Finn: No, but it is very easily figured out. It is over fourteen hours a day, for twenty-six days.

Mr. Sheean: For twenty-six days?

Mr. Finn: Yes.

Mr. Sheean: Isn't it a fact you made twenty-eight trips in that month?

Mr. Finn: If I made twenty-eight trips it was some time I was tied up under the Sixteen Hour Law on a Saturday and had to come in on a Sunday.

Mr. Sheean: You don't recall, or, do you recall that during that same month you made a trip between Skykomish and Cascade Tunnel, fifty miles, in six hours time?

Mr. Finn: Yes, sir. That was on a passenger helper.

Mr. Sheean: Passenger helper?

Mr. Finn: Yes.

Mr. Sheean: For that six hours work you drew $4.90?

Mr. Finn: Yes, sir, whatever that passenger helper paid, I got it.

Mr. Sheean: In considering the total number of hours you worked to make this money, did you consider at all this trip of fifty miles made in six hours, in computing how much time you put in to earn the $220?

Mr. Finn: The six hours?

Mr. Sheean: Yes.

Mr. Finn: You are trying to figure out I didn't earn my $4.90 in six hours?

Mr. Sheean: I am trying to find out how many hours, Mr. Finn, if you know how many hours you worked to earn $220.

Mr. Finn: I have no idea. I just figured it out at a rough estimation. I ain't very good at figures. I am an engineer, you know.

Mr. Sheean: Did you keep any record at all?

Mr. Finn: I have no record, no. That is where you have got the best of me. You see, you have got the record and I ain't.

Mr. Sheean: And, you have no idea of how much per hour you actually are paid?

Mr. Finn: How much per hour?

Mr. Sheean: Yes, I mean for the hours actually worked, not the ten hours or less but the actual hours.

Mr. Finn: You work pretty near every actual hour you get paid for, when you are making hours on the run.

Mr. Sheean: Were all of these trips made in this month that you had the way freight, made over the sixty mile division?

Mr. Finn: Were they all what?

Mr. Sheean: Made on the run of sixty miles.

Mr. Finn: I don't exactly know. As I understand, I only made one trip—probably I was there part of one month and part of another. I understand I was about thirty days, more or less, on that local. I don't know exactly what time of the month I was on there. You see, I was going from one job to the other at that time. I didn't keep track.

Mr. Sheean: Were your local runs all between these two points on this sixty mile division, or did you run a local on a shorter run than the sixty miles?

Mr. Finn: It was a turn-around between Everett and Seattle. I think that is thirty-three miles.

Mr. Sheean: Thirty-three miles?

Mr. Finn: Turn-around, yes, that would make it sixty-six miles for the trip, more or less. I ain't got the mileage down—something like that.

Mr. Sheean: And on this sixty-six miles, on the trip, how much were you paid?

Mr. Finn: I don't know. You make hours, you know. I never made miles but once since I have been running the engine, and that time I cheated myself out of twenty miles because I never figured it up before. We don't know anything about miles up where I am—it is all hours. Miles—miles—you can go ten miles and it will take you twenty hours, on the Great Northern.

Mr. Sheean: Is it your idea that the engineers on the Great Northern would be satisfied upon an hourly rate, a fixed hourly rate and eliminating all reference to miles in their schedule?

Mr. Finn: I don't know what the engineers on the Great Northern would be satisfied with. I come here about the elec-

trical business, as an electrical engineer. I don't know anything about steam.

Mr. Sheean: I thought we were talking now, Mr. Finn, about some of these runs that you held at one time, and that you hope to hold again in the future.

Mr. Finn: Yes.

Mr. Sheean: Will you be satisfied, as one of the engineers, to eliminate in the schedule all reference to miles, and to work on an hourly basis?

Mr. Finn: That would satisfy our division all right, I think.

Mr. Sheean: So that, so far as your division is concerned, the elimination of all provisions in the schedule as to miles run, will be satisfactory—to put you on an hourly rate of pay for the actual hours on duty?

Mr. Finn: Now, I cannot tell you what would suit us. As far as I am personally concerned, pay by the hour will suit me, as far as the runs I have been on since I have been running an engine, if I get paid by the hour.

Mr. Sheean: You are speaking now of the helper service, which is on an hourly basis?

Mr. Finn: I am speaking of every run on that division, only passenger.

Mr. Sheean: You spoke of the electrical zone. Just what are the limits of that electrical zone—how long is it?

Mr. Finn: Well, it is through this three mile tunnel and a yard at each side. As I understand it, they have got six miles of trolley wire.

Mr. Sheean: And, so far as you know, that is the entire electrical zone on the Great Northern system, six miles in length?

Mr. Finn: Yes, on our division.

Mr. Sheean: You don't know of any other electrical zone on the system except that six mile zone?

Mr. Finn: That is all I know of.

Mr. Sheean: That is all.

Mr. Stone: That is all.

The Chairman: Call your next witness.

Mr. Stone: Mr. Chairman, as there seems to be some dispute as to what rate the electric engines take, I should like to read a letter into the record as to what the rate is. This is a

letter addressed to Mr. A. Johnston, at Superior, Wisconsin. I might explain that Mr. Johnston is the chairman of our general committee on that system. The letter reads as follows: (Reading.)

"On Line Butte Division, Nov. 10, 1909.

"Mr. A. Johnston,

"Superior, Wis.

"Dear Sir:—

"As I advised yourself and committee of engineers at our conference in connection with new schedule, we made the rate of pay for electric motors at Cascade Tunnel the same as the F-8 rate, with the 10% excess, and on October first changed the day from twelve to ten hours long.

"We are as you know using locomotive engineers as motormen, and prefer to do so, everything else being equal, by reason of their knowledge in handling trains on the mountain. As was stated to your committee, however, we cannot have frequent changes made there, the same as has been done in the past in steam locomotive service by reason of seniority rights, etc., and any engineer who goes into the motor service must qualify before he will be permitted to do so, and any experience he needs before he can qualify he must get on his own time.

"As further stated we have at present and have had since the operation started a crew of expert electrical men who we will very likely have to reduce before long, and whether the locomotive engineers can successfully handle the motors after the experts are disposed of remains to be seen, of course, I hope they can.

Yours truly,

(Signed) "J. M. GRUBER."

Mr. Sheean: Mr. Stone, at the same time, I would like to read into the record a letter from Mr. Rapelje, the general manager of the Northern Pacific Railway Company, with reference to the question which arose on the application of the automatic release on the Northern Pacific. At the time that I read the telegram from Mr. Rapelje, certain colloquy took place and certain questions were asked; and I caused to be excerpted from the record, both the question of Mr. Stone and the question of the Chairman at that time, forwarding that portion of the transcript, and this is Mr. Rapelje's reply:

"December 14, 1914.

"Mr. A. W. Trenholm,
"Chairman, Conference Committee,
"Room 1864 Transportation Building,
"Chicago, Illinois.

"Dear Sir:

"I have your letter of December fifth. Beg to advise in reply, that these yard crews were instructed to go down to the derailment by our Night Chief Train Despatcher at Livingston. The train derailed was our North Coast Limited (No. 1), which was being detoured via the Great Northern, returning to our line at Great Northern Junction, and while coming into the connection ran off the derail. This junction with the Great Northern is approximately five car lengths outside of the yard limit board at Laurel.

"I find that no extra time was paid to these switch engineers, for the reason that they did not claim it on their time slips. These men, however, were entitled, in accordance with the engineers' and firemen's schedules, to actual time for this service at road rates while engaged outside of the yard limit board, in addition to their regular assignment in yard service for that day.

"The two yard crews, consisting of two foremen and four switchmen, were paid a full day each at road rates for their work outside of the yard limit board, approximately thirty minutes (not more than one hour) in addition to the allowance of a full day, in yard service. Each foreman received $4.18 and each switchman received $2.78, making a total of $19.48 paid the two switch crews in addition to their day in switch service.

"Each of the two road engine crews in Laurel were paid two run-arounds of 25 miles each on account of these two switch engines going to this derailment, a total of 50 miles or $2.65 for each engineer and $1.87 for each fireman.

"One of the train crews in Laurel was paid one run-around of 50 miles, or $2.09 for the conductor and $2.78 for the two brakemen, a total of $4.87 for this crew. But one run-around was paid to this crew for the reason that they were called for the wrecker in the interval between the time the first switch engine went down to the derailment and the time the second switch engine was directed to go there. One other train crew

was in Laurel at this time, but did not claim any run-around, although they were entitled, under the schedule, to two run-arounds, amounting to $9.74.

"Under our schedule rules, on account of these two switch engines being sent the five car lengths outside of the yard limit board, and engaging in this work for approximately one hour each, we would be compelled to pay:

Two switch crews	$19.48
Two switch engine crews	1.67
Two road engine crews, Laurel, two run-arounds each	9.05
One train crew, Laurel, one run-around	4.87
One train crew, Laurel, two run-arounds	9.74
Total	$44.81

"Yours truly,

"J. M. RAPELJE,

"General Manager."

Mr. Stone: I would like to call the attention of the Board to the fact that, while it appears they should have paid the switch engine crew, that is, the engineer and fireman, for the actual time outside of the yard limit board, that the statement is verified there, that they never even claimed this time.

J. B. WESTBROOK was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: Mr. J. B. Westbrook is an engineer in the employ of the Denver & Rio Grande, running between Salt Lake and Helper, Utah, a distance of 120 miles.

Mr. Westbrook, you are in the employ of the Denver & Rio Grande Railroad?

Mr. Westbrook: Yes, sir.

Mr. Stone: In what class of service?

Mr. Westbrook: Locomotive engineer.

Mr. Stone: But in what class of engineer service?

Mr. Westbrook: Freight service.

Mr. Stone: What class of engine do you run?

Mr. Westbrook: A Consolidated.

Mr. Stone: What is the weight?

Mr. Westbrook: 194,100 pounds on the drivers.

Mr. Stone: Has there been any increase in the tonnage rating on your engine since 1910?

Mr. Westbrook: There has, and in some instances doubled.

Mr. Stone: I would understand that the tonnage on the Salt Lake Division has been more than doubled in some instances, since 1910?

Mr. Westbrook: Yes, sir.

Mr. Stone: What has been the cause of this great increase in tonnage?

Mr. Westbrook: Reducing grades and installing the Mallet type engine.

Mr. Stone: The Mallet type engine is used in what, in helper service?

Mr. Westbrook: In helper service, yes, sir.

Mr. Stone: Have your hours of service been increased on account of the increased tonnage?

Mr. Westbrook: They have.

Mr. Stone: To what extent?

Mr. Westbrook: From three to five hours.

Mr. Stone: Per trip?

Mr. Westbrook: Per trip.

Mr. Stone: That is, you are from three to five hours longer on each trip between Helper and Salt Lake than you were in 1910?

Mr. Westbrook: I consider so, yes, sir.

Mr. Stone: Do you ever tie up on the road, on account of the Federal Law?

Mr. Westbrook: Yes, sir.

Mr. Stone: About how often?

Mr. Westbrook: Well, I would consider five trains out of ten tie up on the road.

Mr. Stone: I wish you would describe a trip running into hours, that would make it necessary to tie up. Just give the Board an idea of some of these trips.

Mr. Westbrook: Well, it is on account of the increased tonnage, picking up and setting out, and the necessary work that has to be done over the division.

Mr. Stone: I realize that that is in a general way, so, but

have you any particular trip in mind where you can cite, a single trip?

Mr. Westbrook: Yes, sir, I can cite you a trip.

Mr. Stone: I wish you would.

Mr. Westbrook: On December 5, extra 1171 west.

Mr. Sheean: That is this year?

Mr. Westbrook: Yes, sir. Called to leave Helper at 8 A. M. Helper to Black Hawk, Black Hawk to Utah Junction, Utah Junction to Black Hawk, a distance of 68 miles. Tied up at Black Hawk, 11:30 P. M., sixteen hours on duty.

Called to leave Black Hawk at 9:30 A. M., December 6, 1914; tied up at Thistle at 11:30 P. M., a distance of 52 miles. Time on duty fourteen hours.

Rest up at Thistle at 7:30 A. M., December 7. Took a train of 75 loads to Provo, reduced to 2,350 tons. Message to take 2,350 tons to Lehigh, set out train, to return to Provo, pick up 2,350 tons, come west, and fill to 65 loads at Lehigh. Arrived at Salt Lake 11:30 P. M., December 7, consuming sixteen hours on the turn-around.

Mr. Stone: That would make the total time between Helper and Salt Lake, for that trip, how much?

Mr. Westbrook: The total time between Helper and Salt Lake, 64 hours; distance, 119 miles.

Mr. Stone: Will you give us another example like that?

Mr. Westbrook: Train called to leave Salt Lake at 11:30 P. M., November 25. Train No. 52. Departed, 12:20 A. M. Was delayed as follows:

Midvale, 35 minutes, setting out cars and taking water.

Oliver, 15 minutes, meeting No. 61.

Provo, one hour, setting out and picking up cars and spotting cars.

Springville, 20 minutes, setting out cars.

Thistle, 3 hours and 30 minutes, setting out cars, taking sand, coal and water, getting lunch, and waiting for No. 8 to go by.

Millford, 15 minutes, taking water.

Giluly, 20 minutes, taking water and loading rail loader.

Tied up at Scenic, at 3 P. M., 26th, after 16 hours service. Laid at Scenic 7 hours and 30 minutes before crew came to tow

us in. Left Scenic at 10:30 P. M. Scenic is a blind siding and no accommodations whatever for eating and sleeping.

Mr. Stone: Are you usually tied up at a place where there are eating and sleeping accommodations?

Mr. Westbrook: Yes, sir, usually; but sometimes we are tied up where there is no place to sleep, except in the caboose.

Mr. Stone: Is there a bed provided for you in these cabooses?

Mr. Westbrook: No, sir, you lie on the cushions without any bed clothing.

Mr. Stone: When you sleep in a caboose, do you remove your clothing, or just lie down with your clothing and shoes on?

Mr. Westbrook: Well, we never take our clothing off. We take our shoes off if it isn't too cold.

Mr. Stone: You have no bed clothes?

Mr. Westbrook: No, sir.

Mr. Stone: Is it always comfortable in these cabooses when you try to sleep?

Mr. Westbrook: Of course, when a man first lies down there is a good fire in the caboose. In an hour or so, or a matter of a few hours, the fire dies down and it gets cold and is uncomfortable.

Mr. Stone: Then, you don't consider taking a rest under those conditions as very satisfactory, do you?

Mr. Westbrook: Very unsatisfactory.

Mr. Stone: Does the handling of these heavier trains increase your responsibilities, in your opinion?

Mr. Westbrook: Yes, sir, it does.

Mr. Stone: In what way?

Mr. Westbrook: Well, a man has got to exercise more care and judgment in handling the trains, to keep from damaging them.

Mr. Stone: There is quite a difference in handling these heavy trains down these mountain grades, too, is there not?

Mr. Westbrook: Yes, sir.

Mr. Stone: What has been your experience in regard to the cost of living in your territory since 1910? Has it increased in any way?

Mr. Westbrook: Yes, sir, the cost of meals now in the company's eating house has advanced about 40 per cent since

1910. In addition to that, on account of tying up so often, we are at more expense.

Mr. Stone: On account of being away from home more?

Mr. Westbrook: Being away from home, and the expenses at home have increased; to just what extent I cannot say.

Mr. Stone: With these long hours you are not home long enough to find out, are you?

Mr. Westbrook: No, sir.

Mr. Stone: I think that is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Westbrook, when did you enter the service of the Denver & Rio Grande?

Mr. Westbrook: I have been in the service of the company thirteen years the 10th of January.

Mr. Sheean: And when you first were employed by them was it as an engineer or fireman?

Mr. Westbrook: No, sir; as a fireman.

Mr. Sheean: On this same division?

Mr. Westbrook: Yes, sir.

Mr. Sheean: Had you worked for the company at all before you went to work as a fireman?

Mr. Westbrook: No, sir.

Mr. Sheean: How long have you been an engineer?

Mr. Westbrook: Ten years.

Mr. Sheean: Now, on this division that you are running, there has been a very great change in the grade, has there not, recently?

Mr. Westbrook: Yes, sir.

Mr. Sheean: When was that change made, or when was the work completed?

Mr. Westbrook: The change was made about November, 1913, I think.

Mr. Sheean: And, the result of that was the elimination of a 4.4 per cent grade down to a 2.2 per cent grade, was it not?

Mr. Westbrook: Well, my understanding was that it—

Mr. Sheean: Or down to a 2 per cent grade?

Mr. Westbrook: 2 per cent; yes, sir.

Mr. Sheean: And over what distance was that grade eliminated?

Mr. Westbrook: The new grade is 14 miles long.

Mr. Sheean: And the old grade?

Mr. Westbrook: The old grade was seven; it might have been a fraction more or less, but we called it seven miles, and we were paid for seven miles.

Mr. Sheean: How long was that reconstruction work under way there?

Mr. Westbrook: Well, I don't know that I could tell you; probably a year or a year and a half, I should judge.

Mr. Sheean: Between what points was this grade reduction made from 4.4 per cent down to 2 per cent?

Mr. Westbrook: Between Soldier Summit and Detour.

Mr. Sheean: The operation on a 2 per cent grade is, in your judgment, a better operation for the engineers than over the 4.4 per cent grade that was there before?

Mr. Westbrook: Our conditions are not as good over the 2 per cent grade; no, sir.

Mr. Sheean: The tonnage handled over the division was fixed on the 4.4 per cent before that was the ruling grade before?

Mr. Westbrook: Yes, sir.

Mr. Sheean: And the tonnage over the entire division was regulated so as to accommodate itself to that ruling grade of 4.4 per cent?

Mr. Westbrook: Oh, no; no, sir.

Mr. Sheean: In what respect has there been a change in the operations since the grade was reduced, in November, 1913?

Mr. Westbrook: You mean relative to the handling of tonnage?

Mr. Sheean: Yes.

Mr. Westbrook: Well, at the time the old grade was in operation we would handle thirty-five cars out of Salt Lake; today we are handling seventy, that is, I should say empties.

Mr. Sheean: Yes.

Mr. Westbrook: Or a matter of about 1,400 tons of loads, I guess.

Mr. Sheean: Handling thirty-five cars out of Salt Lake, you run what distance before you encountered this high grade of 4.4 per cent?

Mr. Westbrook: About eighty-five miles.

Mr. Sheean: And then over a distance of seven miles you had to haul them up a 4.4 per cent grade?

Mr. Westbrook: Yes, sir.

Mr. Sheean: The fact that there was this 4.4 per cent grade between these points kept the tonnage down over the whole division?

Mr. Westbrook: No, not necessarily.

Mr. Sheean: Was it the practice to double over this 4.4 per cent grade, or was the tonnage with which you left Salt Lake adjusted so as to be able to get it over this high grade?

Mr. Westbrook: We got helpers.

Mr. Sheean: What is it?

Mr. Westbrook: We got helper engines.

Mr. Sheean: Helper engines over that grade?

Mr. Westbrook: Yes, sir.

Mr. Sheean: And all trains were helped over it?

Mr. Westbrook: Yes, sir.

Mr. Sheean: What is the practice now on the 2 per cent grade?

Mr. Westbrook: The same thing exists today.

Mr. Sheean: The same thing exists today?

Mr. Westbrook: Yes, sir; we get the helpers.

Mr. Sheean: You are helped over a distance of fourteen miles, over the 2 per cent grade?

Mr. Westbrook: No, we are helped over a distance of thirty miles.

Mr. Sheean: Between what points?

Mr. Westbrook: Thistle and Soldier Summit, going east.

Mr. Sheean: I take it, you have no knowledge of what the cost of this grade reduction was to the company?

Mr. Westbrook: Well, no, I have not; I am naturally not in a position to say.

Mr. Sheean: When was the change in the power made on this division?

Mr. Westbrook: About 1910 was when they installed the Mallets.

Mr. Sheean: And the Mallets, up to November, 1913, operated over this 4.4 per cent grade?

Mr. Westbrook: No, no; they were installed about 1910—no, I don't know that I can tell you when the 458 class was in-

stalled there. It has not been a great length of time. They put them in service a while before the new grade was in operation.

Mr. Sheean: Well, I understood you to say that the new grade was not in operation until about November, 1913?

Mr. Westbrook: Yes, sir.

Mr. Sheean: How long before that was it that the Mallets were put in, a matter of some months, was it not?

Mr. Westbrook: Yes, I should say eight months; something like that; maybe not that long, and maybe longer.

Mr. Sheean: How many Mallets are there in operation on this division?

Mr. Westbrook: There are ten, I think.

Mr. Sheean: How many of the other types of engines?

Mr. Westbrook: Well, there are about thirty, I think, of the 220 class; and you understand, we have two classes of Mallets.

Mr. Sheean: Well, in the ten, you have included both classes, have you?

Mr. Westbrook: No, sir; there are about twelve of them in service of the two classes.

Mr. Sheean: What other engines operated over this division; what other engines are there?

Mr. Westbrook: That is, in the pool service?

Mr. Sheean: Yes, in the pool service.

Mr. Westbrook: We have about thirty on our division. They are not all in service at the present time, but there are about that many, I should judge.

Mr. Sheean: Are the Mallets pooled in the same pool with the other Consolidation engines?

Mr. Westbrook: No, sir, they are in helping service.

Mr. Sheean: The Mallets are used entirely in helper service?

Mr. Westbrook: Yes, sir. Well, occasionally a case might come up where they would use them in other service.

Mr. Sheean: That is only in case of emergency, is it?

Mr. Westbrook: Well, yes, I would consider it so.

Mr. Sheean: This Consolidation engine which you are operating now, 194,000 pounds on drivers; when was that type of engine installed there?

Mr. Westbrook: In about 1906.

Mr. Sheean: 1906?

Mr. Westbrook: Yes.

Mr. Sheean: And that same type or style of engine has been in use ever since that time?

Mr. Westbrook: Yes, sir.

Mr. Sheean: And up to November 1st, that type and style of engine operated over this 4.4 per cent grade?

Mr. Westbrook: Yes.

Mr. Sheean: The division over which you operated was the same before the elimination of this grade as it is now, the length of it?

Mr. Westbrook: No, sir. Their double track from Springwood to Thistle was changed into a better grade.

Mr. Sheean: I mean, running in the pool, you ran between the same points?

Mr. Westbrook: Yes, sir.

Mr. Sheean: The length of it, in actual miles, may have been changed by the realignment there, but for a good many years, the terminal points, between which points the men in the pool ran, have been Salt Lake and Helper?

Mr. Westbrook: Yes, sir.

Mr. Sheean: And how long ago was that division or district over which the men ran established?

Mr. Westbrook: Well, I could not tell you. The division points were there when I went to work for the Rio Grande.

Mr. Sheean: And have remained the same during all of that time?

Mr. Westbrook: Yes, sir.

Mr. Sheean: Were there any other changes in the grades except this reduction from 4 per cent down to 2 per cent?

Mr. Westbrook: Yes, sir.

Mr. Sheean: Where were the other grades changed?

Mr. Westbrook: Between Springville and Thistle.

Mr. Sheean: And the reduction there was made from what to what?

Mr. Westbrook: Well, I cannot tell you the reduction that was made. I don't know.

Mr. Sheean: In practical operation, you observed that there was a considerable reduction in the former grade?

Mr. Westbrook: Well, it is relative to handling tonnage up there.

Mr. Sheean: Well, now, just what was the change in the tonnage between the two points?

Mr. Westbrook: Well, in 1913, from Salt Lake to Thistle, the 220 class engine was handling 1,150 tons; and since September 27th, 1914, we are handling 2,000 tons.

Mr. Sheean: And, the former rating there was based upon the ruling grade between Springville and Thistle, was it?

Mr. Westbrook: Evidently it was, yes, sir.

Mr. Sheean: That was a one per cent grade, wasn't it, before?

Mr. Westbrook: Well, I should judge about one per cent.

Mr. Sheean: And it has been cut down approximately one-half, hasn't it?

Mr. Westbrook: Well, evidently, from the tonnage sheet, it is just about one-half.

Mr. Sheean: And, with the reduction in the grade there, the same increase in tonnage capacity of the trains was made, approximately?

Mr. Westbrook: Yes, sir.

Mr. Sheean: Now, about how is the current of traffic there, about equally balanced in both directions?

Mr. Westbrook: Well, about this time of the year it is evenly balanced.

Mr. Sheean: And how long does that balance last, out on that part of the system?

Mr. Westbrook: Well, in a short time the greater part of the business will probably be east bound.

Mr. Sheean: And through what period of the year does the greater balance remain east bound?

Mr. Westbrook: Well, during the fruit season—during the time they are handling their manifest business.

Mr. Sheean: About what period of time does that ordinarily cover?

Mr. Westbrook: Well, generally, from August up to this time of the year, and then our coal business will equalize it up until the traffic will be about the same.

Mr. Sheean: From August to December, about how much heavier is the east bound than the west bound traffic?

Mr. Westbrook: Well, probably they will run two more trains a day east than they will west.

Mr. Sheean: And, running two more trains more a day east than west, in what way are the crews gotten from the eastern terminus back to the west?

Mr. Westbrook: Well, up to recently they have been laying away from home.

Mr. Sheean: For how long?

Mr. Westbrook: From thirty to forty hours.

Mr. Sheean: And recently what has been done?

Mr. Westbrook: The business has adjusted itself. At different times they have taken a freight crew to help a passenger run up to the top of the mountain.

Mr. Sheean: Then, the laying away from home terminal, about which you have spoken, is due to the fact that at certain times the business going in one direction is much heavier than that going in the opposite direction?

Mr. Westbrook: And with the instructions from the management that trains will not be moved only with full tonnage.

Mr. Sheean: Well, in case there are two more crews or two more trains per day going in one direction than in the other, the actual number of trains larger in one direction than in the other—the extra number thus left away from home terminal, must either be deadheaded back or taken back with some amount of traffic, must they not?

Mr. Westbrook: Yes, sir; but as far as the deadheading is concerned, that is cut down to a minimum on our division.

Mr. Sheean: That is because there are other men in the pool, at the other end of the road, to take out the trains west bound?

Mr. Westbrook: Or made up there.

Mr. Sheean: Even though there is this lack of balance between the traffic, the total amount of traffic has been so reduced that at the west end of that division there are men waiting to take out these trains?

Mr. Westbrook: We maintain an extra board in Salt Lake, you know.

Mr. Sheean: You do maintain an extra board there?

Mr. Westbrook: Yes.

Mr. Sheean: Mr. Westbrook, this first trip that you de-

scribed here, starting out on December 5th, 1914—isn't that over a new railroad that has only been opened up recently?

Mr. Westbrook: A new piece of track, yes, sir.

Mr. Sheean: Opened up about how long before this trip?

Mr. Westbrook: October 1st, I believe.

Mr. Sheean: That is the first operation over the track at all was October 1st, 1914, or about that time?

Mr. Westbrook: Well, yes.

Mr. Sheean: Now, have you a memorandum there showing just what you were paid for this service beginning on December 5th, 1914, down to and including your arrival at Salt Lake?

Mr. Westbrook: No, sir.

Mr. Sheean: Well, the memorandum from which you read does give that?

Mr. Westbrook: I could figure it up in a few minutes.

Mr. Sheean: If it will only take a moment, I would like to have just what that was, Mr. Westbrook.

Mr. Westbrook: You want the mileage of that, do you?

Mr. Sheean: No, I want the money. Leaving at 8 o'clock on the morning of December 5th, 1914, down to the time of your release at Helper—the time of the release at Helper, and the money you got for that service.

Mr. Westbrook: $28.96.

Mr. Sheean: Now, let me see. You left Helper at 8 A. M. on December 5th?

Mr. Westbrook: Yes, sir.

Mr. Sheean: And you were finally released at what time at Salt Lake?

Mr. Westbrook: 11:30.

Mr. Sheean: At Salt Lake at 11:30 on December what—that was the first trip you gave us, leaving Helper at 8 A. M., December 5th?

Mr. Westbrook: Yes, sir.

Mr. Sheean: And reaching Salt Lake at 11:30 December 7th, was it?

Mr. Westbrook: Yes, sir:

Mr. Sheean: And what was the money for that?

Mr. Westbrook: $28.96, I believe it figures.

Mr. Sheean: $28.96?

Mr. Westbrook: Yes, sir.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Mr. Westbrook, is it not a fact that outside of the manifest trains, which are through stuff, that most of your business is coal off these mountain feeders there?

Mr. Westbrook: Yes, sir.

Mr. Stone: Is it not a fact, as to that dead freight tonnage, that they do hold you until they get a tonnage train?

Mr. Westbrook: Yes, sir.

Mr. Stone: When you had the old 4.4 per cent grade over Soldier Summit, a distance of seven miles, you were paid two miles for each mile run over that grade, were you not?

Mr. Westbrook: Yes, sir.

Mr. Stone: Now, that it has been reduced to a 2 per cent grade, you are paid actual miles?

Mr. Westbrook: Yes, sir.

Mr. Stone: So the company has, by reducing the grade, made it possible for you to handle twice the tonnage you did before, almost, and cut down the constructive mileage?

Mr. Westbrook: Well, we are handling down to Detour pretty nearly four times what we handled down the old grade.

Mr. Stone: Well, with these much heavier tonnage trains, it is much more difficult to bring them down the 2 per cent grade that you bring them down now, than it was the lighter tonnage that you brought down before, is it not?

Mr. Westbrook: Yes, sir; we haven't the protection now that we had then.

Mr. Stone: In what way?

Mr. Westbrook: When we came to Soldier Summit with the old grade, car men were there to take up the piston travel, look after all your train line leaks, and in addition to the pressure cocks we used the hand brakes down there. At the present time we come up to Soldier Summit filled to seventy-five loads, and turn up the retainers or pressure cocks and proceed.

Mr. Stone: Don't you find it much more difficult, with these longer trains, with this equipment?

Mr. Westbrook: Yes, sir; much more difficult.

Mr. Stone: In keeping your trains together?

Mr. Westbrook: Yes, sir.

Mr. Stone: More danger of breakage, of breaking your trains in two?

Mr. Westbrook: Yes, sir.

Mr. Stone: Regarding the long trip of three days getting from one terminal to another, you stated that it was over a new track that was put in commission along about October 1st. Was the new track the cause of this long trip?

Mr. Westbrook: No, sir; we were not delayed over the new track.

Mr. Stone: Just simply sawing up and down the road, dragging tonnage; was that it?

Mr. Westbrook: Yes, sir.

Mr. Stone: Instead of making a direct movement with you, they would rest you up and then turn you back down the line again to get more tonnage and come up again with it?

Mr. Westbrook: Yes.

Mr. Stone: I believe you said when the entire emergency board was exhausted, they would make up an emergency crew. Do they often do that?

Mr. Westbrook: When business is good, eastbound, with a number of crews tied up on the road, that frequently happens.

Mr. Stone: For example, if you had twenty men in the crew, and five or ten of them were tied up out on the road, they would put on an emergency board?

Mr. Westbrook: Yes.

Mr. Stone: That has a tendency to still further reduce the men in the extra crew, does it not?

Mr. Westbrook: Yes, sir; and increase your lay-over away from home.

Mr. Stone: On this trip, in the three days that you described, you were actually on duty or actually under pay, forty-six hours, and were sixty-four hours between the two terminals, getting a distance of one hundred and nineteen miles with a tonnage freight train?

Mr. Westbrook: Yes, sir.

Mr. Stone: I think that is all.

Mr. Sheean: Just one question: I would like to ask you, Mr. Westbrook, on this reduced grade of 4.4 per cent over a distance of seven miles, what is the actual mileage now on the

2 per cent grade that is substituted for the old seven miles at this 4.4 per cent grade?

Mr. Westbrook: Fourteen miles.

Mr. Sheean: So that in reducing the grade from 4 per cent to 2 per cent, they have taken the seven miles that went up on this steep grade, and spread it out into fourteen miles on a 2 per cent grade?

Mr. Westbrook: To Detour, yes.

Mr. Sheean: So that, in fact, you draw now the same number of miles that you did before, but, instead of going up seven miles with a 4 per cent grade, you make fourteen miles on a 2 per cent grade?

Mr. Westbrook: The mileage is practically the same now as it was then.

Mr. Sheean: That is all.

Mr. Stone: One more question. In that same mileage now, where it runs around the mountain instead of running up it, you draw twice as much tonnage for the company, do you not, as you did before?

Mr. Westbrook: Yes, we draw just double, I think it is.

Mr. Stone: Is it not also a fact that there was a further saving by taking off many of the helper crews?

Mr. Westbrook: Yes, sir.

Mr. Stone: That is all.

Mr. Park: Mr. Westbrook, do you handle the trains wholly with air now on the 2 per cent grade?

Mr. Westbrook: Yes, sir.

Mr. Park: Formerly, it was necessary to use hand brakes?

Mr. Westbrook: Yes, sir. In some instances it might not have been necessary; with a string of freezers or refrigerator cars a man could come down there with the retainers.

Mr. Park: That is, you were able on the 4.4 per cent grade to let them down without the hand brakes?

Mr. Westbrook: Yes, sir.

Mr. Park: But, it was the usual thing for the brakemen to ride out on top and assist you with the hand brakes, on the old grade?

Mr. Westbrook: It was absolutely necessary with a train of coal or anything of that kind—heavy tonnage.

Mr. Park: Did it sometimes occur, that even with the

assistance of the brakemen, that you were not able to hold trains?

Mr. Westbrook: Well, that has happened in a few instances. Not many.

Mr. Park: What was provided by the company at the foot of those grades, in such an emergency?

Mr. Westbrook: We had a safety switch.

Mr. Park: What was the object of the safety switch?

Mr. Westbrook: Well, to come down and stop for that safety switch; they called for it.

Mr. Park: That is, you were required to stop before you reached the safety switch?

Mr. Westbrook: Yes, sir.

Mr. Park: And it was always left for a derail?

Mr. Westbrook: Yes, sir.

Mr. Park: And, if you were unable to stop, what occurred?

Mr. Westbrook: You went into the derail; went off of the main line up into the side of the mountain.

Mr. Park: So that there was always a risk of accident on the old grade, by reason of the train getting away from you, or running away and going out on this derail?

Mr. Westbrook: Yes, sir.

Mr. Park: Have these safety switches been eliminated by reason of the change of grade?

Mr. Westbrook: Yes, sir.

Mr. Park: So that you do not have that risk now?

Mr. Westbrook: Well, the risk is even greater now than it was then.

Mr. Park: Of a runaway?

Mr. Westbrook: I consider so, with the increased tonnage.

Mr. Park: But you do not use the hand brakes at all?

Mr. Westbrook: No, sir. Well, there have been cases where men came down there with hand brakes, but then it is not done as a rule.

Mr. Park: Do you think the risk and hazard is greater now than it was before?

Mr. Westbrook: I do.

Mr. Park: That is on account of the condition of your brakes?

Mr. Westbrook: Yes, sir.

Mr. Park: If the brakes were in good condition, and the piston travel all properly adjusted, do you think there would be any risk on a two per cent grade?

Mr. Westbrook: Oh, there is always a risk on a grade, if a man is only going down with a light engine. There is always a risk on a grade, so far as that is concerned, even on a two per cent grade.

Mr. Park: But is it as great as it is with a 4.4 per cent grade?

Mr. Westbrook: No, sir; not with a light engine it is not.

Mr. Park: In making this change of line, was the road equipped with automatic signals?

Mr. Westbrook: No, sir.

Mr. Park: You have no automatic signals in that territory?

Mr. Westbrook: No.

Mr. Park: You spoke of an increase of forty per cent in the cost of living. Do you buy meal books at Helper?

Mr. Westbrook: Yes.

Mr. Park: What do you pay for them?

Mr. Westbrook: Five dollars.

Mr. Park: Do you pay seven dollars now?

Mr. Westbrook: No, sir.

Mr. Park: What do you pay for them now?

Mr. Westbrook: Five dollars.

Mr. Park: Has that always been the price?

Mr. Westbrook: That has always been the price.

Mr. Park: Are those meal books for regular meals or a la carte?

Mr. Westbrook: Well, either one you want.

Mr. Park: So that you can get a regular meal, then, for the same price that you got it formerly?

Mr. Westbrook: No, sir; the meals now are 35 cents, and formerly they were 25 cents.

Mr. Park: And that is taken out of your meal book?

Mr. Westbrook: Yes, sir.

Mr. Park: At the rate of 35 cents instead of 25 cents?

Mr. Westbrook: Yes, sir.

Mr. Park: That is all.

(Witness excused.)

T. A. ABRAMS was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer T. A. Abrams, of the Gulf, Colorado & Santa Fe Railway, running on the Galveston Division.

Are you at present in the employ of the Gulf, Colorado & Santa Fe Railway?

Mr. Abrams: Yes, sir.

Mr. Stone: As a freight engineer?

Mr. Abrams: Yes, sir.

Mr. Stone: How long have you been in this service?

Mr. Abrams: About twelve years.

Mr. Stone: Are you a hired man, or promoted?

Mr. Abrams: Hired.

Mr. Stone: What class of engine do you run?

Mr. Abrams: Consolidation, simple engine.

Mr. Stone: Oil burner?

Mr. Abrams: Oil burner.

Mr. Stone: What is the weight of this engine?

Mr. Abrams: 144,000 pounds on drivers.

Mr. Stone: Has the tonnage of your engines been materially increased since 1910?

Mr. Abrams: Almost doubled.

Mr. Stone: Well, you say almost doubled; give an example of what it was in 1910 and what it is now.

Mr. Abrams: In 1910 we hauled 2,250 tons south and now we haul from 2,600 up to 4,200 tons.

Mr. Stone: With that increase in tonnage and the larger number of cars has there been any change in the air brake equipment of your locomotives?

Mr. Abrams: Yes, the trains are much longer and heavier.

Mr. Stone: Well, do you have the same air pump and everything on your engine?

Mr. Abrams: Yes, sir, exactly the same pump.

Mr. Stone: Doesn't it keep you guessing, to keep the air up, with a nine and a half inch pump, on 85 cars?

Mr. Abrams: It keeps you sweating.

Mr. Stone: What is the length of this division?

Mr. Abrams: 105 miles for freight trains.

Mr. Stone: That is between where?

Mr. Abrams: Between Galveston and Bellville Yard.

Mr. Stone: Have there been any other conditions which have added to the burden of the engineers since 1910?

Mr. Abrams: Well, the trains are heavier and longer, making them harder to handle and harder to pass signals, on account of the length of them.

Mr. Stone: Do you have any more correspondence or reports now than you used to?

Mr. Abrams: They require us to answer more correspondence now than they did before.

Mr. Stone: Well, correspondence in regard to what?

Mr. Abrams: Breaking in two, and derailments, and things of that character; they bother us now more than they did.

Mr. Stone: At what time are you called on your system?

Mr. Abrams: One hour and thirty minutes before leaving time.

Mr. Stone: What time are you required to be at the roundhouse?

Mr. Abrams: Thirty minutes before leaving time.

Mr. Stone: You make the necessary preparations, the same as these other men have described?

Mr. Abrams: Yes, sir.

Mr. Stone: Do you receive any compensation for it?

Mr. Abrams: No, sir.

Mr. Stone: Time begins when called to leave?

Mr. Abrams: Time begins when called to leave.

Mr. Stone: But, you must be ready to move with your engine how long before the leaving time of the train?

Mr. Abrams: As soon as we are able to, after we report for duty.

Mr. Stone: But, you must be on the train and ready to go at leaving time?

Mr. Abrams: Yes, sir.

Mr. Stone: You have had quite a good deal of experience with these oil burners?

Mr. Abrams: Yes, sir.

Mr. Stone: And do you consider the use of oil more hazardous than that of coal?

Mr. Abrams: Yes, sir.

Mr. Stone: Will you please explain to the Board in what way?

Mr. Abrams: Well, there is more danger of explosions; there are different gases accumulate from the use of oil which do not with coal. If I have to go under the engine for any reason, I have got to be sure I have got a fireman, or it would not be safe to go under there, on account of an explosion, on account of gases, that we do not experience with coal.

Mr. Stone: If you were working your engine heavy with oil and you shut off suddenly, if the fireman was not alert on the instant, what would happen?

Mr. Abrams: It would probably burn us all up.

Mr. Stone: Explain how.

Mr. Abrams: If I would shut off, it would stop the draft and this volume of fire would have to go some place, and it would come right up around the cab.

Mr. Stone: Up through the ash pan?

Mr. Abrams: Right up through the ash pan.

Mr. Stone: And probably set the driving boxes on fire and probably burn you both?

Mr. Abrams: Yes, sir.

Mr. Stone: So, it is absolutely necessary that the fireman be on the job every second of every minute?

Mr. Abrams: Yes, sir.

Mr. Stone: While he is on duty with an oil burner?

Mr. Abrams: Yes, sir.

Mr. Stone: Have you made any comparative statements in regard to your earnings as compared with that of other trades in the Galveston district?

Mr. Abrams: Yes, sir.

Mr. Stone: Are you satisfied that your figures are correct, so far as the other trades are concerned?

Mr. Abrams: As near as I can tell, yes, sir.

Mr. Stone: I wish you would give to the Board your summary or else allow it to be placed in the record, which will do just as well, and save the time of the Board.

The Chairman: I think perhaps it would be as well to place it in the record.

COMPARATIVE STATEMENT OF EARNINGS OF LOCOMOTIVE ENGINEERS AND OTHER TRADES, AT GALVESTON, TEXAS.

DECEMBER 1, 1914.

	ENGINEERS			BRICKLAYERS			MUSICIANS			PRINTERS			PLUMBERS			PLASTERERS			CARPENTERS		
Date	Hours on Duty	Over-time	Amt. Rec'd	Hours on Duty	Over-time	Amt. Rec'd	Hours on Duty	Over-time	Amt Rec'd	Hours on Duty	Over-time	Amt. Rec'd	Hours on Duty	Over-time	Amt. Rec'd	Hours on Duty	Over-time	Amt. Rec'd	Hours on Duty	Over-time	Amt Rec'd
10/2/14	16	5	$ 8.12	16	9	$10.50	16	11	$21.50	16	10	$28.00	16	8	$18.00	16	8	$17.48	16	8	$12.50
10/2/14	11	..	4.40	11	4	13.00	11	6	14.00	11	5	18.00	11	3	10.50	11	3	10.93	11	3	7.50
10/5/14	10	..	5.50	10	3	11.50	10	5	12.50	10	4	16.00	10	2	9.00	10	2	9.62	10	2	6.50
10/6/14	10	..	5.50	10	3	11.50	10	5	12.50	10	4	16.00	10	2	9.00	10	2	9.62	10	2	6.50
10/7/14	13	2	6.55	13	6	16.00	13	8	17.00	13	7	22.00	13	5	13.50	13	5	13.55	13	5	9.50
10/8/14	10	..	5.50	10	3	11.50	10	5	12.50	10	4	16.00	10	2	9.00	10	2	9.62	10	2	6.50
10/8/14	13	2	6.55	13	6	16.00	13	8	17.00	13	7	22.00	13	5	13.50	13	5	13.55	13	5	9.50
10/9/14	15	4	7.60	15	8	19.00	15	10	20.00	15	9	26.00	15	7	16.50	15	7	16.17	15	7	11.50
10/10/14	15	4	7.60	15	8	19.00	15	10	20.00	15	9	26.00	15	7	16.50	15	7	16.17	15	7	11.50
10/11/14	13	2	6.55	13	6	16.00	13	8	17.00	13	7	22.00	13	5	13.50	13	5	13.55	13	5	9.50
10/11/14	10	..	5.50	10	3	11.50	10	5	12.50	10	4	16.00	10	2	9.00	10	2	9.62	10	2	6.50
10/13/14	13	2	6.55	13	6	16.00	13	8	17.00	13	7	22.00	13	5	13.50	13	5	13.55	13	5	9.50
10/14/14	16	5	8.12	16	9	20.50	16	11	21.50	16	10	28.00	16	8	18.00	16	8	17.48	16	8	12.50
10/15/14	16	5	8.12	16	9	20.50	16	11	21.50	16	10	28.00	16	8	18.00	16	8	17.48	16	8	12.50
10/17/14	11	..	6.03	11	4	13.00	11	6	14.00	11	5	18.00	16	3	10.50	11	3	10.93	11	3	8.50
10/18/14	10	..	5.50	10	3	11.50	10	5	12.50	10	4	16.00	10	2	9.00	10	2	9.62	10	2	6.50
10/19/14	11	..	5.50	11	4	13.00	11	6	14.00	11	5	18.00	11	3	10.50	11	3	10.93	11	3	7.50
10/20/14	14	3	7.07	14	7	17.50	14	9	18.50	14	8	24.00	14	6	15.00	14	6	14.86	14	6	10.50
10/21/14	11	..	6.03	11	4	13.00	11	6	14.00	11	5	18.00	11	3	10.50	11	3	10.93	11	3	7.50
10/22/14	16	5	8.12	16	9	20.50	16	11	21.50	16	10	28.00	16	8	18.00	16	8	17.48	16	8	12.50
10/23/14	15	4	7.60	15	8	19.00	15	10	20.00	15	9	26.00	15	7	16.50	15	7	16.17	15	7	11.50
10/24/14	15	4	7.60	15	8	19.00	15	10	20.00	15	9	26.00	15	7	16.50	15	7	16.17	15	7	11.50
10/25/14	13	2	6.55	13	6	16.00	13	8	17.00	13	7	22.00	13	5	13.50	13	5	13.55	13	5	9.50
	297		$152.16			$355.00			$388.00			$502.00			$307.50			$309.03			$216.50

Mr. Stone: Just place it in the record, then, and we will not take time to read it.

(The statement produced by the witness is as follows:)

GALVESTON LABOR DISPATCH.

Galveston, Tex., Nov. 4, 1914.

Mr. T. A. Abrams,
1918 Avenue P,
City.

Dear Sir:—Pursuant to your recent request I am herewith giving you the wages received by members of several local unions:

Printers—Operators working on piece work, as they do here, make from $5 to $8 per day of six hours, time and a half for overtime.

Musicians—$1 per hour for the first five hours, overtime at time and a half after that.

Plumbers—$6 per day of eight hours, overtime at double time.

Carpenters—$4.50 per day of eight hours; $1 an hour Saturday afternoons, Sundays and holidays, at $1 rate.

Motion Picture Machine Operators—$22.50 per week, with an 8-hour day.

Painters—$4.00 per day, eight hours' work.

Plasterers—$7.00 per day, eight hour day, time and a half for overtime.

Bricklayers—$7.00 per day, seven hour day, time and a half for overtime.

Trusting that this information will prove satisfactory and meet all requirements, and with kindest personal regards, I am,

Very truly yours,
THE LABOR DISPATCH,
J. W. Young, Editor.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Mr. Abrams, during all the years that you have been with the Gulf, Colorado & Santa Fe have they had oil burners?

Mr. Abrams: Yes, sir.

Mr. Sheean: About how many oil burners on that road?

Mr. Abrams: Now, understand me, I said I was in the service twelve years as an engineer, but not for this company.

Mr. Sheean: Oh!

Mr. Abrams: With this company about eight years.

Mr. Sheean: During all of the eight years they have used oil burners, exclusively?

Mr. Abrams: Yes, sir.

Mr. Sheean: And about how many oil burning engines have they had?

Mr. Abrams: Well, that I don't know. You mean on the whole system?

Mr. Sheean: Yes.

Mr. Abrams: I suppose we have got 100 or 150; I don't know.

Mr. Sheean: And during that eight years' time, how many accidents in the way of burning either the engineer or fireman have ever come to your knowledge?

Mr. Abrams: Well, I don't know of any accidents, but I know that we have set the driving boxes afire very frequently. The fireman, in other words, is on the job. I was citing a case of what would happen if he was not.

Mr. Sheean: Have you ever known of a case of what would happen, ever actually happening in the case of these oil burners, in the period of eight years?

Mr. Abrams: Yes, there have been several burnt up, and that brought on instructions to cut the fire out before taking oil or anything like that. They burned up several of them, but I cannot relate the details exactly.

Mr. Sheean: Can you relate any instance of any individual being injured?

Mr. Abrams: No, sir.

Mr. Sheean: Or any instance of the engineer shutting off without the fireman knowing anything about his suddenly shutting it off, and causing any flame to come out of the firebox and burn the engineer and fireman?

Mr. Abrams: No, sir; we work together pretty good on that; but I am satisfied they would do it if we did not.

Mr. Sheean: If it did do that, you would be violating

some of the specific instructions as to what you are to do in burning oil?

Mr. Abrams: Yes, sir.

Mr. Sheean: So that the only way these accidents and injuries you have described could happen in the use of oil burners would be where the engineer or fireman, either or both of them, violated the instructions given you in connection with the use of the engine?

Mr. Abrams: Yes, sir.

Mr. Sheean: Do you mean that the tonnage has actually doubled, or the tonnage rating of your engines has doubled, since 1910?

Mr. Abrams: The tonnage hauled has almost doubled; I think it is said 85 per cent. The tonnage handled has actually increased that much.

Mr. Sheean: On the same class engine?

Mr. Abrams: The same class of engine.

Mr. Sheean: That is, this 144,000 pounds on drivers?

Mr. Abrams: Yes, sir.

Mr. Sheean: Those engines have been given a different rating between 1910 and 1914?

Mr. Abrams: They do not furnish the employes with the ratings of these engines; that is, I have never seen it. But all we have to go by is what we did handle and what we are handling now. I don't know what the rating is. I think they are over-rated.

Mr. Sheean: You mean that since 1910 the company has been able to get nearer the tractive effort out of these engines than it was in 1910?

Mr. Abrams: Over their tractive effort, I think.

Mr. Sheean: Over their tractive effort?

Mr. Abrams: Yes, sir.

Mr. Sheean: How has the traffic on that railroad been in volume, as compared with 1910?

Mr. Abrams: Well, our business fluctuates. Right at the time I think it is a little heavier, on account of the wheat running.

Mr. Sheean: How long does the wheat ordinarily run?

Mr. Abrams: Well, this time it has lasted longer than

usual. I cannot say exactly, about a year, I think; six or eight months, anyway.

Mr. Sheean: Ordinarily?

Mr. Abrams: Ordinarily, our business is heavier in the winter months and very light in the summer months.

Mr. Sheean: And during the time it is heavy, is it practically all in one direction?

Mr. Abrams: The tonnage; yes, sir.

Mr. Sheean: Going to Galveston?

Mr. Abrams: Yes, sir.

Mr. Sheean: And there put on ocean steamers, a large part of it?

Mr. Abrams: Yes, sir.

Mr. Sheean: And all the cars that go down there loaded come back empty, I suppose?

Mr. Abrams: A majority of them; yes, sir. Of course, there are ships come in and unload, and we get that tonnage back, but it is lighter.

Mr. Sheean: Very much lighter, is it not?

Mr. Abrams: Yes, sir.

Mr. Sheean: And going back, west bound, your traffic is largely hauling back empties?

Mr. Abrams: Yes, sir.

Mr. Sheean: The same number of loads that go down, very largely come back as empties, in the other direction?

Mr. Abrams: Yes, sir.

Mr. Sheean: Now, what percentage of the tonnage do the trains haul west bound?

Mr. Abrams: North?—we run north and south.

Mr. Sheean: Well, north bound.

Mr. Abrams: They cannot give us our tonnage half the time north, on account of so many empties. We did pull about 65 empties for a train, and now it is 85 and up to 100.

Mr. Sheean: And that has always been the condition of affairs there during the heavy months of business on that road, that you are hauling down loads and bringing back empties?

Mr. Abrams: Yes, sir.

Mr. Sheean: Is it your thought, Mr. Abrams, that a lesser rate of pay should be made where you are coming back light than where you are going down heavy?

Mr. Abrams: If you had to haul a hundred cars in one swing empty, I think you would be satisfied you were entitled to the full rate on them.

Mr. Sheean: How many empty cars do you actually handle there?

Mr. Abrams: Do you mean in any one particular trip?

Mr. Sheean: No; take it month in and month out.

Mr. Abrams: About eighty to the train, and from that up to a hundred.

Mr. Sheean: And how many loads do you haul, going south?

Mr. Abrams: It depends on the tonnage. If it is wheat we get about 65 loads, if it is all wheat; and if there is cotton and other tonnage mixed in it, it will run up to 85 and 90 loads.

Mr. Sheean: Well, practically all the cars that go down to Galveston do come back, or all of them, in fact, come back?

Mr. Abrams: Yes, sir, I think so; I am not sure. You know, there are seven or eight roads running out of there, and they may load them over foreign roads.

Mr. Sheean: But, the great majority?

Mr. Abrams: The great majority.

Mr. Sheean: And, if the traffic is, in fact, much heavier south bound than it is north bound, the weight of what is hauled back must be considerably less than what does down?

Mr. Abrams: Yes.

Mr. Sheean: Now, do you think it is feasible, in practical railroad operation, to have a different rate of pay apply to the light tonnage that goes back, a lower rate of pay than to the heavy tonnage going in one direction?

Mr. Abrams: No, sir.

Mr. Sheean: That is not feasible or desirable, either from the railroad's standpoint or the men's standpoint, is it?

Mr. Abrams: No, sir.

Mr. Sheean: Is there also a particular period of the year in which the cotton on that road furnishes the bulk of the traffic?

Mr. Abrams: Yes, sir.

Mr. Sheean: That also is all in this one direction, practically, isn't it?

Mr. Abrams: Yes, sir.

Mr. Sheean: Now, on these trips from Galveston to Bell-

ville Yard, it is not infrequent that the run back light is made in about half or less than half the time of the down-going trip, is it?

Mr. Abrams: No, I think not. They generally double-head back. They call it equalization of power, I believe. They generally double them back, and of course you consume as much time as the other crew coupled to the train.

Mr. Sheean: You mean that on the way back two engines are on the train?

Mr. Abrams: The same train. Instead of running light they double-head them.

Mr. Sheean: Double-head them back?

Mr. Abrams: Yes, sir.

Mr. Sheean: In doing that isn't it a fact that with the two engines on the train you make the return trip in very much less time than with the trip under load?

Mr. Abrams: No, sir, I would not say that we do. We have got about the same delays.

Mr. Sheean: When you double-head, you do not handle more than the tonnage of one engine, do you?

Mr. Abrams: That is all.

Mr. Sheean: Just the tonnage of one engine?

Mr. Abrams: That is the intention, yes, sir.

Mr. Sheean: Well, you have never made any computation as to the average time, taking your trip down with the load and the trip back light, as to what it averages in actual hours, month in and month out?

Mr. Abrams: I don't know; but I would imagine about twelve and sixteen hours. I don't know what it is, but the average would probably be about thirteen or fourteen hours for the trip.

Mr. Sheean: You have made no figures on any month, have you, or for any length of time?

Mr. Abrams: This comparative statement there I think shows one month of my hours.

Mr. Sheean: One month?

Mr. Abrams: Yes, sir, that first column.

Mr. Sheean: And that shows the time, both down and back?

Mr. Abrams: Yes, sir.

Mr. Sheean: For the month of November is that?

Mr. Abrams: I think October.

Mr. Sheean: October, 1914?

Mr. Abrams: I am not sure whether that is 1914 or 1913. It is October. I just picked up a stub book and picked a month out of it. I am not positive whether that is 1913 or 1914.

Mr. Sheean: Well, the month of October, 1914, gives the actual hours on duty, for the entire month?

Mr. Abrams: Yes, sir.

Mr. Sheean: But this is not carried out as to any average time?

Mr. Abrams: No.

Mr. Sheean: That would be showed by the number of trips?

Mr. Abrams: Yes, sir.

Mr. Sheean: I see, Mr. Abrams, that you have attached to this exhibit a comparative statement of the earnings of locomotive engineers and other trades, at Galveston. Musicians, one dollar per hour for the first five hours, and overtime at time and a half after that. Did you make any inquiry as to how many hours a year musicians were employed at this rate?

Mr. Abrams: No. I think they do not make much overtime. I don't know.

Mr. Sheean: Do you know how many hours overtime they actually get at that rate?

Mr. Abrams: In the theatres and picture shows I would imagine they work pretty regularly.

Mr. Sheean: Did you make any inquiry?

Mr. Abrams: No, sir.

Mr. Sheean: As to carpenters, did you make any inquiry, either from the person from whom you got this information, or otherwise, as to what the average time of unemployment of carpenters was, per year?

Mr. Abrams: No, sir.

Mr. Sheean: Did you make any inquiry as to how many carpenters in Galveston were without employment now and had been for any particular period of months?

Mr. Abrams: No, sir.

Mr. Sheean: You made no effort, on any of these, to ascertain what number of men actually drew these rates for any particular part of a year, or month?

Mr. Abrams: No, sir, I just made the comparison to show the difference in the wage if they had worked the same number of hours I did.

Mr. Sheean: That is all, Mr. Abrams.

Mr. Park: Mr. Abrams, have you a hospital department on your road?

Mr. Abrams: Yes, sir.

Mr. Park: Have you a pension system?

Mr. Abrams: Yes, sir.

Mr. Park: What are the rules of the pension department as to retirement? Are you retired at 61 for total disability?

Mr. Abrams: I have not made a study of that. I can't say.

Mr. Park: You don't know just as to that?

Mr. Abrams: No, it is too far off to do me any good, and I have not bothered with it.

Mr. Park: You spoke of your engine being given more loads than its tractive power. What did you mean by that?

Mr. Abrams: I meant that they were overloaded now, where they were not before.

Mr. Park: How do you judge that? Is your engine unable to start the train on a level?

Mr. Abrams: We have to double occasionally.

Mr. Park: You double some of the hills?

Mr. Abrams: Yes, sir.

Mr. Park: You are paid for doubling, are you?

Mr. Abrams: Yes.

Mr. Park: That is all.

The Chairman: Call your next witness.

RE-CROSS EXAMINATION.

Mr. Sheean: Just a moment; about how often is there any doubling down on this division?

Mr. Abrams: Well, in the last two months I would say there have been twenty or twenty-five trains doubled into Sealy.

Mr. Sheean: Into where?

Mr. Abrams: Sealy, Texas.

Mr. Sheean: That is from your personal knowledge or observation?

Mr. Abrams: I have doubled half a dozen times myself; probably a dozen times.

Mr. Sheean: In what period of time?

Mr. Abrams: In the last sixty days.

Mr. Sheean: You report all doublings do you?

Mr. Abrams: I don't understand the question.

Mr. Sheean: On your time slip, wherever you did actually double, it would be shown by your record?

Mr. Abrams: I think so. We generally give them that information.

Mr. Sheean: Well, you are paid for it, are you not?

Mr. Abrams: Yes, sir, where it runs into hours, understand, it don't make any difference. If we double one hill and have been about eleven hours going over the division, we have run into overtime and the double don't make any difference. It would be just the same as another delay.

Mr. Sheean: Yes, but they would pay you then on the hourly basis, from the time of your departure down to your final release?

Mr. Abrams: Yes, sir.

Mr. Sheean: But, in all cases where you are paid on the mileage basis, you are paid ten miles for every double, are you not?

Mr. Abrams: Yes, sir; but inasmuch as we are almost always hours, it is just the same as any other delay to us.

Mr. Sheean: Wouldn't you make a delayed report, showing the double?

Mr. Abrams: I think we try and show that on the back of the time slip. Especially, we have to show it where we are not hours on the trip, in order to get paid for it; but where it is hours we try and show it anyway.

Mr. Sheean: And the doubling that you have made in the last sixty days, would not that show on your engineer's trip tickets, every time that you have made it?

Mr. Abrams: They should show, if I haven't neglected it. You see, after it runs into hours, it doesn't matter so much if you report that, because your hours have included it anyway, see?

Mr. Sheean: It doesn't make any difference as to your pay?

Mr. Abrams: No, sir.

Mr. Sheean: But it does in your daily report, does it not?

Mr. Abrams: No, sir; we try and furnish enough information on the back of our tickets to cover the extra pay we claim. If it runs into hours, we don't get any extra pay and we may not report it on the back of our time tickets.

Mr. Sheean: Should not the engine record itself show?

Mr. Abrams: The conductor's daily report would show it. I think that would be the best.

Mr. Sheean: I find, Mr. Abrams, it is stated, that there is only one report by you, of doubling, within that length of time, one ticket on which that appears.

Mr. Abrams: Then I forgot to put it on the back of my tickets. I am satisfied I have doubled as high as twenty times in the last sixty days.

Mr. Sheean: Whether it ran into overtime or whether in your delayed report, it should be reported by you in every case of doubling, should it not?

Mr. Abrams: No, sir; I think not. We have no form to cover it, only the conductor's delay report. We put the information on the back of the ticket, in order to get the extra pay, if we are not hours on duty. See?

Mr. Sheean: Have you any memorandum at all, or any way by which you could fix any time when any of this doubling was done, that you did not report on your time ticket, or on your delayed report?

Mr. Abrams: No, sir; I haven't got any record of it here.

Mr. Sheean: I forgot to ask you, Mr. Abrams, where it was that you were promoted to become an engineer; you came to the Santa Fe as an engineer eight years ago?

Mr. Abrams: Yes, sir.

Mr. Sheean: And had been an engineer four years before that?

Mr. Abrams: Yes, sir.

Mr. Sheean: How long did you fire before you became an engineer?

Mr. Abrams: I fired two and a half years.

Mr. Sheean: On what road was that?

Mr. Abrams: Pennsylvania.

Mr. Sheean: How old are you now?

Mr. Abrams: Thirty-seven.

Mr. Sheean: So that you became an engineer at twenty-five?

Mr. Abrams: Yes, twenty-five; that is about right.

Mr. Sheean: After your apprenticeship as fireman of two years and a half?

Mr. Abrams: Well, you see my service has not been regular. I have been out and in and discharged and hired over again in that time. It has covered more time, probably a little more than twelve years, on account of being out of service and back in again at different times.

Mr. Sheean: Pardon me, it has been suggested that you were not through, Mr. Park.

Mr. Park: Just one more question. Mr. Abrams, are you not required to put the exact mileage you make on your time slip?

Mr. Abrams: Yes, sir.

Mr. Park: Is that not required by the master mechanic in order to keep track of the miles made by the engine between overhaulings and repairing?

Mr. Abrams: I am not sure, but I think that is where they get their mileage from.

Mr. Park: So, as a matter of fact, you are required to put that mileage on your slip every trip?

Mr. Abrams: I don't ever remember of having done that. Just make a notation on the back where we double.

Mr. Park: You show the two terminals between which you run. Do you extend the mileage on that, and show the number of miles?

Mr. Abrams: No, sir.

Mr. Park: If you double you make a memorandum notation on the back of the time slip?

Mr. Abrams: On the back, just the same as if we had switched at some station for an hour.

Mr. Park: Do you show the miles you double, whether it is five, or six, or seven, or ten miles?

Mr. Abrams: Yes, sir.

Mr. Park: That is all.

Mr. Stone: Mr. Abrams, where the cotton isn't moving

in that country, the number of trains is reduced, but the tonnage is kept up on the remaining trains that do run, is it not?

Mr. Abrams: Yes, sir; they generally cut us down to about three crews in dull seasons.

Mr. Stone: About how many during the rush are there?

Mr. Abrams: Eight or ten.

Mr. Stone: I believe you stated that you were promoted, after firing two years and a half?

Mr. Abrams: Yes.

Mr. Stone: Do you know of anybody being promoted on the Santa Fe, at the present time, after firing two and a half years?

Mr. Abrams: I think they are required to pass the examinations, but they are not actually promoted and used in service. They are forced or required to write the examinations, you understand, and pass them at three years, I believe.

Mr. Stone: Is it not a fact that there are men back, firing, who have been there for seven or eight years?

Mr. Abrams: Yes, sir; I have an engineer firing for me.

Mr. Stone: How long has he been an engineer?

Mr. Abrams: Well, about a year, I think.

Mr. Stone: He is back, firing?

Mr. Abrams: That is, he has passed the examinations longer than that, but he doesn't hold seniority longer than that.

Mr. Stone: How old is he as a fireman, how many years of seniority?

Mr. Abrams: I don't know that. Probably seven or eight years; I am not sure.

Mr. Stone: Coming back to that question of the loads going one way and the empty movement in the other direction, is it not a fact that that was taken into consideration when the rates were established by the Railroad Commission of Texas?

Mr. Abrams: Well, I cannot say as to that. It probably was. I don't know.

Mr. Stone: Coming back to that question of oil burners; I am particularly interested in that; is it not a fact that you have to use sand to clean out the flues of the locomotive boiler, when burning oil?

Mr .Abrams: Yes, sir.

Mr. Stone: Every little while you have to pour some sand

in and let it be jerked through the flues to cut the soot and gum caused by the oil burning in the flues?

Mr. Abrams: Yes, sir, about every five or ten miles. It depends on how the engine is steaming.

Mr. Stone: What effect does that have upon the eyes of the engineer and fireman?

Mr. Abrams: It has a bad effect if it gets in your eyes.

Mr. Stone: Don't you have a great deal more trouble with this hot sand from the oil burners than with the cinders of the old coal burners?

Mr. Abrams: Yes, sir, I think so.

Mr. Stone: A great many engineers and firemen are off duty and lose time on account of this hot sand in their eyes?

Mr. Abrams: Yes, sir.

Mr. Stone: In that oil supply hose, the oil has a tendency to rot the inside lining of that rubber hose, does it not?

Mr. Abrams: Yes, sir, we find it that way occasionally.

Mr. Stone: And they roll up and stop the supply?

Mr. Abrams: Yes, sir.

Mr. Stone: And then it is a nice job to clean it out on the road, isn't it?

Mr. Abrams: You may call it nice if you want to; I do not. It is about the greasiest job I think a man could find.

Mr. Stone: Taking down a connecting hose between a tank and an engine, and cleaning out the inside lining of an oil hose, saturated with crude oil?

Mr. Abrams: Yes, sir, it is very disagreeble.

Mr. Stone: Have you ever had to crawl under your engine to make minor repairs with an oil burner, while on the road?

Mr. Abrams: Yes, sir, a few times.

Mr. Stone: Have you got oil on your clothes from it?

Mr. Abrams: Yes, sir.

Mr. Stone: Well, the clothes aren't much good after you get them soaked with oil once, are they?

Mr. Abrams: No, sir. They are ready for the rag pile, generally.

Mr. Stone: Generally have to throw them away?

Mr. Abrams: Yes, sir. It is hard to get it out.

Mr. Stone: What is the effect on leather gloves and shoes and so on, of this crude oil you are burning?

Mr. Abrams: I think it eats your shoes and gloves up faster than coal.

Mr. Stone: That has been your experience?

Mr. Abrams: Yes, sir.

Mr. Stone: You spoke about the high rate of these factory men and musicians and so on; the fact remains when they do work they get that rate, do they not?

Mr. Abrams: According to the report, yes, sir.

Mr. Stone: That report is signed by the editor of some paper there, in Galveston, and is he not also the president of the Federated Council?

Mr. Abrams: He is president of the Galveston Labor Council, I think they call it.

Mr. Stone: I think that is all.

Mr. Sheean: That is all.

Mr. Stone: Mr. Bloom.

FRED F. BLOOM was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Mr. Fred F. Bloom, of the Minneapolis, St. Paul and Sault Ste. Marie, commonly known as the Soo Line, running between Minneapolis and Glenwood, a distance of 119 miles. (Addressing the witness.) At the present time you are in the employ of the Soo Line?

Mr. Bloom: Yes, sir.

Mr. Stone: As an engineer in freight service?

Mr. Bloom: Yes, sir.

Mr. Stone: What class of engine are you running?

Mr. Bloom: Mikado superheater, 221,000 pounds on drivers; cylinders 28 by 30.

Mr. Stone: How long have you been in the freight service?

Mr. Bloom: Twelve years.

Mr. Stone: Are you a promoted man?

Mr. Bloom: Yes, sir.

Mr. Stone: How long did you fire a locomotive before you were promoted?

Mr. Bloom: Five years and a half.

Mr. Stone: Are they promoting firemen after five years and a half experience on the Soo at the present time?

Mr. Bloom: Well, they require the firemen to pass an examination after three years and a half, I believe, but they are not properly engineers at that age.

Mr. Stone: Is it not a fact that men are back firing who have been engineers for a number of years?

Mr. Bloom: Yes, sir, I have a man firing for me now who is an engineer of two years experience.

Mr. Stone: This is due to what, the heavy power?

Mr. Bloom: Partly.

Mr. Stone: Has there been any material increase in the tonnage rating of your trains on the division where you are employed, since 1910?

Mr. Bloom: Yes, sir, about 450 tons per train.

Mr. Stone: What has caused this increase in tonnage?

Mr. Bloom: Well, the introduction of heavier power.

Mr. Stone: About how much time do you usually take to make your trip?

Mr. Bloom: Well, for the month of November, 1914, it was an average of nine hours and forty minutes per trip.

Mr. Stone: That is on a 119 mile division?

Mr. Bloom: On a 119 mile division.

Mr. Stone: Do you think your responsibility has increased with this heavier power and heavier tonnage?

Mr. Bloom: Yes, sir.

Mr. Stone: How long before the leaving time of your train are you called?

Mr. Bloom: One hour and thirty minutes before the engine is due to leave the roundhouse track.

Mr. Stone: You say the roundhouse track; for example, if your train was going to leave the yard at 7 o'clock, at what time would you be called to leave the roundhouse track?

Mr. Bloom: If my train was going to leave at seven o'clock, I would be called to leave the roundhouse track at 6:30.

Mr. Stone: In that case you would be called at 5 o'clock?

Mr. Bloom: I would be called at 5 o'clock, yes, sir.

Mr. Stone: In other words, the engine crew is called for duty thirty minutes before the train crew—you would be called

to leave at 6:30 while the train crew would be called to leave at 7?

Mr. Bloom: No, sir, not that way. The train crew would be called to leave at the same time I was, from the fact that they would have to check up their train and get the supplies before the train is due to leave.

Mr. Stone: On the arrival at the roundhouse, I presume you have the usual duty of inspection and getting the necessary supplies, the same as described by the others?

Mr. Bloom: My duties are to register out, examine the bulletins, examine the work report of the engine inspector, go to the engine, see that the necessary tools and supplies are on, inspect the engine, and then go to the yard, take water on the way, if necessary, and couple on the train, charge up the train line, test the air, oil around, fill the lubricators, and then I am ready to go.

Mr. Stone: Oftentimes you are required to move the engine to the train and do your oiling, part of the preparatory work, after you are coupled on the train, are you not?

Mr. Bloom: In every case.

Mr. Stone: Well, in your judgment, is it more dangerous to do the preparatory work on your engine after coupling on the train than it would be at the roundhouse track?

Mr. Bloom: Yes, sir.

Mr. Stone: Is it, or is it not, unusual for your train to be moved by the switch engine while working around your engine?

Mr. Bloom: Yes, sir.

Mr. Stone: They do it quite often?

Mr. Bloom: Yes, sir; quite frequently the train has been moved, and there is liability of serious injury for a man oiling around or otherwise preparing his engine for the trip while coupled to the train.

Mr. Stone: In this preparatory work, do you receive any pay for it?

Mr. Bloom: Not unless the detention in the yard was one full hour or more, or the trip runs into overtime.

Mr. Stone: Then if it should run into overtime, your time begins thirty minutes before the leaving time of the train?

Mr. Bloom: Yes, sir.

Mr. Stone: And if you are detained a full hour in the yard, initial terminal delay, you would be paid for the hour?

Mr. Bloom: Yes, sir.

Mr. Stone: For fifty-nine minutes you would not be paid anything?

Mr. Bloom: No, sir.

Mr. Stone: Has there been any change in your schedule effective July 20, 1910, relative to your preparatory time rule?

Mr. Bloom: Yes, sir. By request of the general manager, we have made a special agreement on this rule, and I have the agreement, if you would like it.

Mr. Stone: I think it might be well to have it in the record, the special agreement that has been made—you need not bother to read it unless the other side wishes it.

Mr. Bloom: Shall I read it?

Mr. Stone: No; just hand it to the reporter to be put in the record.

(Paper handed to Mr. Sheean.)

Mr. Stone: Are you held responsible for your engine from the time you report to work, before your compensation begins?

Mr. Bloom: Yes, sir; and men have been disciplined for accidents that happened before compensation began?

Mr. Park: Mr. Stone, I would like to hear this rule read into the record.

Mr. Stone: I have no objection.

Mr. Sheean: (Reading):

October 28th, 1912.

"Engineers Committee,

"George S. Jones, Chairman,

"Minneapolis, Minn.

"Gentlemen: Referring to the Bulletin, cutting out the thirty minutes' preparatory time, which was made in view of the ruling of the Interstate Commerce Commission, and our agreement at the time of the conference held on October 21st, 22nd and 23rd, to change this Bulletin to read: 'Take engine to train as soon as possible.'

"It is not the expectation of the management that Engineers should move their engine until they know that the necessary tools are on the engine and the engine is in condition to

be moved, but Engineers are not expected to consume any more time than is absolutely necessary before moving their engines.

"Engineers should require their firemen to assist in the necessary work in order that there may be no undue delay.

"The management feels that much of the oiling and other work can be done after the engine has reached the train.

"The Company does not expect nor want men to take any undue risks in doing their work and while there is undoubtedly some work necessary to be done before the engine is moved to the yard still there is much work than can be done without any risk after the engine reaches the train.

"Yours truly,

"(Signed) G. R. HUNTINGTON,
"General Manager."

Mr. Park: You say, Mr. Bloom, that was agreed to in a conference between the engineers—

Mr. Bloom: By request of the management.

Mr. Park: And agreed to by the engineers?

Mr. Bloom: Yes, sir. That was just to try it out. It has worked out very unsatisfactory to us.

Mr. Stone: They are still trying it, are they not?

Mr. Bloom: They are still trying it; yes.

Mr. Stone: And that has been since October 28, 1912?

Mr. Bloom: Yes, sir.

Mr. Stone: In other words, up to the present time the general committee of the road has not succeeded in having it changed?

Mr. Bloom: No, sir.

Mr. Park: Have you asked to have it changed?

Mr. Bloom: Well, I am not certain about that, but I know that the men feel it is very disagreeable to go over on the train and do the preparatory work.

Mr. Stone: Is it not a fact that that instruction or agreement, whatever you choose to call it, simply compels the men to at once get the engine out and go over on the train and do their work there in the yard—that is the result of it—isn't it?

Mr. Bloom: In some respects. The manager says we will be allowed the time to oil all underneath parts of the engine before going to the train, as the bulletin states there; they do

not want us to take any undue risk; but some of the under-officials have worked it out that it is not necessary to do that before going over in the yard, anyway.

Mr. Park: Do you couple on under those circumstances for the purpose of testing your air?

Mr. Bloom: Yes, sir.

Mr. Park: To give the inspectors an opportunity to work on it at the same time.

Mr. Bloom: At the same time we are oiling.

Mr. Park: You have no air lines in those yards?

Mr. Bloom: No, sir.

Mr. Stone: Is there any fault found with the engineer if he does not go to the train at once?

Mr. Bloom: Why, he is expected to give the reason why, if he does not.

Mr. Stone: I believe you stated that men had been disciplined for accidents that happened to them before compensation began?

Mr. Bloom: Yes, sir.

Mr. Stone: About what are your average earnings per month?

Mr. Bloom: About $175.

Mr. Stone: Has the cost of living increased in your part of the country since 1910?

Mr. Bloom: Yes, sir. Meals at the company's eating houses have materially increased. The beds at the company's hotels have not increased in price any, but the living expenses, foods and other necessities of life, have increased. I am not prepared to say just how much.

Mr. Stone: You realize it in your own individual expenses, that they have increased?

Mr. Bloom: Yes, sir.

Mr. Stone: In almost every way?

Mr. Bloom: Yes, sir.

Mr. Stone: You have some quite cold weather up in your part of the country do you not?

Mr. Bloom: Yes, sir, it is frequently the case the thermometer will range between 25 and 35 below zero.

Mr. Stone: Is there any complaint from your engineers on

the road about lying away from home terminals an excessive number of hours?

Mr. Bloom: Yes, sir. Cases are frequently occurring where men will lay at away from home terminals twenty-four hours, and we have instances of men being held fifty and sixty hours.

Mr. Stone: Have you a statement from any of the other men on your road from the other divisions, in regard to being held away from home terminals?

Mr. Bloom: I recall the reports of some of the men on the Wisconsin and Peninsula division.

Mr. Stone: I wish you would read it to the Board to show them what is going on on the other divisions.

Mr. Bloom: I worked on this division six years myself.

Mr. Stone: And you are familiar with the conditions?

Br. Bloom: I am familiar with the conditions as they existed then, and I think they are the same now. They have to run out of Gladstone over two divisions, west; the home terminal being Gladstone, Michigan. Westbound, leaving Gladstone and going to Rhinelander, 126 miles. That is one district. Then, when the rest is up, they are supposed to go west to Weyerhauser, 103 miles, the second district. When the rest is up at Weyerhauser, they again go east to Rhinelander, 103 miles, and when their rest is up there, they are supposed to go to Gladstone, the home terminal; but it is often the case that they are turned west again, and they are sometimes away from home two weeks at a time, and they are turned away from home when, if the crew going east had been held fifteen minutes, they could have gone home, to the home terminal; but they would not hold the train this long for them. They are often run to Rhinelander from the home terminal and kept there an unreasonable length of time, for as high as from twenty to thirty hours, causing them to pay excessive board bills and using up nearly all the money that they earn in paying board.

Mr. Stone: Do you have service classed as transfer service on the Soo Line?

Mr. Bloom: Yes, sir.

Mr. Stone: Between what points?

Mr. Bloom: Minneapolis and St. Paul.

Mr. Stone: Do you have regular crews assigned to this service?

Mr. Bloom: Yes, sir, regular crews are assigned.

Mr. Stone: What rates of pay are allowed for this?

Mr. Bloom: Through rates.

Mr. Stone: Have you any engineers in mine run service?

Mr. Bloom: Yes, sir.

Mr. Stone: Explain to the Board some of the conditions under which those runs are operated?

Mr. Bloom: I am not familiar personally with these mine runs, but through the reports of the men that have been there, I can give you an idea. At Ashland, which is the home terminal of these men on the north end of the Soo, the extra list is there, and the men are supplied from Ashland for these runs. The roundhouse foreman at Ashland will get an order to furnish a crew to load ore at Bessemer.

Mr. Stone: That is how far?

Mr. Bloom: Fifty-eight miles. This crew will go to Bessemer, and for example, say they work three days, when the foreman in charge of the job gets an order something like this, "Your job comes off tonight. Notify engineer and fireman not wanted until further notice." That means this job is tied up about 6 P. M., and that is after the passenger trains have left there, and they have no way to get home that night; and under this arrangement they do not reach Ashland before about 6:45 P. M. the following day, and they receive no compensation for this day that they have lost, nor do they receive any overtime or any deadhead mileage. After they get to Ashland they are again placed on the extra list, from probably seven or eight to ten times out, and when their turn out comes again, why, they very often receive the same job. I have got the monthly earnings of one man here that was on that job, if you care to hear them?

Mr. Stone: I wish you would read it to the Board to get an idea of what the men earn in that service. I understand this man worked all the time he could in this service during that time.

Mr. Bloom: Yes, sir.

Mr. Stone: He lost no time?

Mr. Bloom: He lost no time of his own violition at all.

This is the statement of Lawrence H. Grimm, for the eight months in 1914, beginning April 1st. In April he received $43.43; in May, $133.19; June, $83.65; July, $95.60; August, $141.34; September, $92.02; October, $76.83; November, $49,88; and his average was something like eighty-six dollars and something per month.

Mr. Stone: What do you say the name of that man was?

Mr. Bloom: Lawrence H. Grimm.

Mr. Stone: He is an engineer?

Mr. Bloom: Yes, sir, an engineer working out of Ashland.

Mr. Stone: I think you have got your examples mixed up.

Mr. Bloom: I beg your pardon, it is Sincock, I should have said.

Mr. Stone: Mr. Chairman, the witness would like to correct his statement in regard to the name of the engineer.

Mr. Bloom: Yes, sir.

The Chairman: Yes, that may be done.

Mr. Stone: Do you have any surprise tests on your road?

Mr. Bloom: Why, I have known of some surprise tests, though they never were practiced on me personally.

Mr. Stone: Then you have no personal experience?

Mr. Bloom: No, sir.

Mr. Stone: I think that is all.

Mr. Sheean: Do you know what the size of the pool was, this Ashland pool, that Mr. Sincock was working in?

Mr. Bloom: No, I do not. I am not personally acquainted. This is only reports that I got from those men in that district.

Mr. Sheean: Was he a regular man or was he there as an extra man?

Mr. Bloom: Well, I don't know whether he was an extra man or a regular man. It is a fact that he was there on the extra list, as they call it, the extra board, and was running out of Ashland.

Mr. Sheean: Were these his earnings as a member of the extra board there, or extra list?

Mr. Bloom: I take it they were, yes.

Mr. Sheean: The size of that extra list is arranged by the local men with the local management, if they want the board cut?

Mr. Bloom: Well, if they can so arrange it. As a rule, the extra list is arranged by the roundhouse foreman.

Mr. Sheean: Is there any provision in the Soo schedule about cutting the extra list upon request of the men?

Mr. Bloom: I think there is an article in there that covers that, although I am not prepared to say just what it is. I have not been on the extra list for some time and haven't paid much attention to it.

Mr. Sheean: How old are you, Mr. Bloom?

Mr. Bloom: 38 years old.

Mr. Sheean: 38 years old?

Mr. Bloom: Yes, sir.

Mr. Sheean: All your service and experience has been on the Soo Line?

Mr. Bloom: With the exception of four months that I worked for the Baltimore & Ohio. That was in 1899, I think, as a fireman.

Mr. Sheean: As a fireman?

Mr. Bloom: Yes, sir.

Mr. Sheean: And then you went from the B. & O. to the Soo?

Mr. Bloom: I had done my first firing on the Soo.

Mr. Sheean: You had done your first firing on the Soo?

Mr. Bloom: Yes.

Mr. Sheean: And then came to the Baltimore & Ohio and fired here a while?

Mr. Bloom: Yes.

Mr. Sheean: And then went back to the Soo?

Mr. Bloom: Yes.

Mr. Sheean: And have remained with them ever since?

Mr. Bloom: Yes, sir.

Mr. Sheean: Now, this division between Minneapolis and Glenwood; how long have you been on that division?

Mr. Bloom: Well, I have worked on that division, off and on, ever since I worked for the Soo.

Mr. Sheean: And your earnings, I think you said, were about $175 a month?

Mr. Bloom: About $175 a month.

Mr. Sheean: Running back how far in time have your earnings averaged about that?

Mr. Bloom: Since I last took this run between Minneapolis and Glenwood. That was in 1912; June, 1912.

Mr. Sheean: So that from June, 1912, down to date, the earnings have averaged about $175 a month?

Mr. Bloom: About $175 a month, I should say.

Mr. Sheean: And before you had that run, just where were you, Mr. Bloom?

Mr. Bloom: I was working on the division between Minneapolis and Superior.

Mr. Sheean: What were your earnings there?

Mr. Bloom: About the same.

Mr. Sheean: About the same?

Mr. Bloom: Yes, sir.

Mr. Sheean: Covering what period of time?

Mr. Bloom: Well, for eight months before June, 1912.

Mr. Sheean: Then just before that, where were you?

Mr. Bloom: Well, I went from a work train at Dresser Junction to this run between Minneapolis and Superior.

Mr. Sheean: This run that you are on now and which has paid an average of about $175 a month since 1912 is in pool service?

Mr. Bloom: Yes, sir.

Mr. Sheean: So that your earnings are fairly representative of all of the members in that pool? That is, taking it the year around, one might be higher one month than another, of course, I take it?

Mr. Bloom: Yes, that is the case.

Mr. Sheean: How many men are there in that pool?

Mr. Bloom: Well, now there are four men in that pool.

Mr. Sheean: And the pool is kept down so as to keep the earnings of the men in the pool about $175?

Mr. Bloom: We have an article in our schedule that allows the men holding regular engines or in regular chain gangs, thirty days or three thousand miles a month—or, I beg your pardon, it is twenty-six days.

Mr. Sheean: Twenty-six days a month?

Mr. Bloom: Yes.

Mr. Sheean: And, in case the business drops down, the Board is reduced so as to give those who remain on the Board about this amount per month?

Mr. Bloom: Yes, about thirty days. I believe they figure on keeping it down so the regular men will make about thirty days per month.

Mr. Sheean: The size of that Board is regulated by the men themselves?

Mr. Bloom: We are not on the Board, understand. We are holding regular engines, in the regular chain gang. We are not on the Extra Board at all. We are regular men.

Mr. Sheean: No; but a certain number of men have pooled certain runs there, have they? There are four men?

Mr. Bloom: Four men in a pool, for those runs west of Minneapolis.

Mr. Sheean: You run on everything there, don't you, that pool?

Mr. Bloom: Everything, except the way freights and two assigned merchandise runs.

Mr. Sheean: And all the other freight is taken care of by these men?

Mr. Bloom: All the other way freights are taken care of by these men.

Mr. Sheean: How long have you had the superheated engines on that division?

Mr. Bloom: Since March 15th of this year, I took it; took that engine.

Mr. Sheean: Before that, what was the type or style of engine that was being used there?

Mr. Bloom: Well, I was on a way freight run and we had all kinds of engines. Anything from a standard 8-wheel engine up to what we called our F-7's; they are a compound Consolidated engine.

Mr. Sheean: Those Consolidated engines weighed about how much on drivers?

Mr. Bloom: 154,500 pounds.

Mr. Sheean: Now, the 8-wheel engine, that was in use there in freight service?

Mr. Bloom: Well, only as they wanted to take an engine from one division to another, they put it on the way freight. They used this way freight as kind of a run to deliver these engines to other parts of the road.

Mr. Sheean: But, in handling any freight by the 8-wheel

engine, the 8-wheel engine was loaded up to its capacity, too, wasn't it?

Mr. Bloom: Very much so.

Mr. Sheean: In the use of the smaller engine, the loading in each case went as near to the tonnage rating of that engine as it does with the larger engine?

Mr. Bloom: Well, I wouldn't say that. You understand, in a way freight run, the object is not to haul all the tonnage they can. It is to deliver the local freight that belongs to the different stations.

Mr. Sheean: Well, of course, on the way freights, that train runs every day whether there is anything in the way of cars or loads?

Mr. Bloom: Yes, sir.

Mr. Sheean: But, did I understand you to say they had some of these 8-wheel style engines in this pool of through freight service?

Mr. Bloom: No.

Mr. Sheean: Then I misunderstood you.

Mr. Bloom: No, they don't have them in the through freight pool. I said in delivering these 8-wheel engines to some other division we would occasionally get one of them.

Mr. Sheean: In 1910 what were the engines used in that run, or were you on that run at that time?

Mr. Bloom: I was not on that run at that time.

Mr. Sheean: And, how many of these superheated Mikados were put in, and what type of engine did they displace?

Mr. Bloom: They displaced the Consolidated engines weighing 184,000 pounds on drivers, I think.

Mr. Sheean: And what does the Mikado weigh?

Mr. Bloom: This Mikado weighs 221,000 on her drivers.

Mr. Sheean: Can you tell just what change there has been in the tonnage rating on that division, and when it was made?

Mr. Bloom: Well, the rating was changed from the introduction of heavier power.

Mr. Sheean: Well, at what time was that?

Mr. Bloom: That was some time in between February 15 and the 1st of April. I do not recall just the date we got our Mikado engines, but they haul about 25 per cent or 30 per cent more than the Consolidated superheaters that we had there then.

Mr. Sheean: Did they change entirely to Mikados in the through freight service there, or do you still have some of the Consolidations?

Mr. Bloom: Sometimes, they put in one of the Consolidations, but, as I said, it was only to deliver to another division, otherwise they use all Mikados.

Mr. Sheean: They are all Mikados in the run you are on?

Mr. Bloom: In through freight service.

Mr. Sheean: You spoke of a man being disciplined before his compensation had begun. I wish you would give me the name of one man who was disciplined at any time when he was not under pay.

Mr. Bloom: I recall two instances; I cannot give you the dates, but in one case it was a man—his name was Nelson. He took his engine off the roundhouse track at Glenwood to go to his train, and on his way out, it was a very foggy, bad day, and a passenger train came down and cornered him, out of the roundhouse track, and it delayed the passenger train, and he was dismissed from the service.

Mr. Sheean: And what, if any, pay did he draw for that day?

Mr. Bloom: Well, I don't know whether he drew any pay for that day. I presume he did, under the schedule, though. But he would not have been paid unless his time had run into terminal detention. His time had not begun yet.

Mr. Sheean: Was he on the time of the passenger train?

Mr. Bloom: Well, I don't know whether—he must have been, or the passenger train would not have hit him, I guess.

Mr. Sheean: What leads you to say that he was disciplined before his compensation had begun, if he was, in fact, paid for the time that he was at work that day?

Mr. Bloom: Well, he was not under pay. If he had got to his train successfully, his time would not have started unless the time that he left—from the time he left the roundhouse track, until his train left town, one full hour or more.

Mr. Sheean: Is there not any called-and-not-used provision in the Soo schedule?

Mr. Bloom: What is that?

Mr. Sheean: Is there not any provision in the Soo schedule for paying a man if he is called and not used?

Mr. Bloom: Yes, we have an article in our schedule which covers that.

Mr. Sheean: How much is he paid in that case?

Mr. Bloom: If he is called and does not get to his engine, I think he receives 25 miles.

Mr. Sheean: A quarter of a day?

Mr. Bloom: Yes, sir.

Mr. Sheean: Is there any provision in the Soo schedule by which the Soo Company can escape paying an engineer some amount of money from the time he does report at that roundhouse?

Mr. Bloom: Yes, sir.

Mr. Sheean: What way is that?

Mr. Bloom: If his time does not run into terminal time, from the time he leaves the roundhouse track until his train leaves, he receives nothing.

Mr. Sheean: He receives a quarter day, does he not?

Mr. Bloom: No, if he leaves the yard he does not receive a quarter day.

Mr. Sheean: If he leaves the yard he receives a full day?

Mr. Bloom: If he leaves the yard he receives a full day; but, his time does not start until he leaves the yard.

Mr. Sheean: What I am trying to get at is, how in practical operation, there is any way in which the railroad company can have any engineer or fireman report at its roundhouse to begin any part of its work and escape paying any sum of money to him?

Mr. Bloom: Under those conditions?

Mr. Sheean: Under any kind of condition.

Mr. Bloom: Under those conditions they could escape paying him for that one hour that he reported for duty, and was on duty not to exceed 59 minutes; he would not receive any compensation for it.

Mr. Sheean: I did not want to debate whether he was under pay at one particular minute or any particular part of the day, but is there any way, under the schedule, in which the railroad company can ask the man to report and permit him to report, at its roundhouse, without paying him some amount of money?

Mr. Bloom: Well, just in that one case.

Mr. Sheean: Well, they would have to pay him a quarter of a day there, would they not?

Mr. Bloom: If he went out and got onto his engine and went to the train, and his train left 59 minutes after he reported his engine, there would be one hour that they would not pay him for.

Mr. Sheean: They would pay him a quarter of a day, would they not?

Mr. Bloom: No, sir. They would not pay him a cent for that hour.

Mr. Sheean: You are stopping him right there before he goes on the main track?

Mr. Bloom: No, he leaves 59 minutes after he reports on his engine. I am not stopping him.

Mr. Sheean: All right, he leaves 59 minutes after he reports on his engine; but at the end of 61 minutes after he reports, they release him; they pay him one full day, do they not?

Mr. Bloom: If they release him.

Mr. Sheean: Now, Mr. Bloom, what I was trying to get at is, where there is, under the Soo schedule or any other schedule, a way in which the man is not under pay in some amount in case he reports for duty and goes to work?

Mr. Bloom: Well, I would have to answer it the same way, in that one case he would not receive any pay. That is the only way I can answer.

Mr. Park: There is a concrete case here. I understand this engine was disabled, cornered by a passenger train.

Mr. Bloom: I understand that was the case, yes.

Mr. Park: Now, as a matter of fact, did that engineer go out, or was the engine so disabled that he could not make the trip?

Mr. Bloom: I don't think the man made the trip.

Mr. Park: Then did he get paid for it?

Mr. Bloom: He got paid, yes. The schedule allowed him for 100 miles, I believe.

Mr. Park: But he did not go out on the road.

Mr. Bloom: He did not go out on the road.

Mr. Sheean: That was the one instance where you said the man was disciplined without being under pay. Tell us what

the other instance was where a man was disciplined when he was not under pay?

Mr. Bloom: There was a man called for a switch engine, a night yard engine. This happened, I believe, at Minneapolis; I would not say for certain; but he went to his engine and found his headlight would not burn. He went back to the roundhouse and asked for a headlight; they would not give him a headlight and he had some words with the roundhouse night foreman, and he was out of service for some time, for delaying the switch engine.

Mr. Sheean: What was his name?

Mr. Bloom: Well, his name was, I can't think of his name now. I know him. He lives there at Minneapolis and he can be brought here if necessary, if you doubt my statement.

Mr. Sheean: I am not doubting your statement, but was not that man paid at least a quarter day, even though he went home after this dispute?

Mr. Bloom: In that case he was.

Mr. Sheean: You spoke of two instances. Now, then, can you tell any instance in which a man was disciplined in any way when he was not under pay at the time?

Mr. Bloom: Understand, if that man had gone out and had not got out of the yard in 59 minutes, or had got out of the yard in less than one hour, he would not have received a cent of pay.

Mr. Sheean: I was talking about actual occurrences.

Mr. Bloom: That is an actual occurrence.

Mr. Sheean: But he did not work just the 59 minutes?

Mr. Bloom: I think the man on the switch engine worked that night.

Mr. Sheean: If he did he was paid for it?

Mr. Bloom: He was paid for the time from the time he left the roundhouse or from the time he got in the yard, until his return.

Mr. Sheean: From the time he got into the yard?

Mr. Bloom: Yes, sir.

Mr. Sheean: So that his time was running and he was paid during the time that he had this argument with the man at the roundhouse?

Mr. Bloom: I don't understand that his time started then.

You understand he had to leave for the yard at 6:30, and I understand this was before that.

The Chairman: Will you please suspend. We will take a recess until 2:30.

(Whereupon, at 12:30 o'clock P. M. a recess was taken until 2:30 o'clock P. M.)

AFTER RECESS.

The Chairman: Mr. Park desires to make a correction in the record.

Mr. Park: On page 1,233, lines 2 to 4, in yesterday's proceedings, Mr. Stone asked: "About what does your pay average for a month of thirty days?" And Mr. Finn answered, as it appears in the record, "A little over $60." I think that should be $160.

Mr. Stone: That is correct. He said $160.

Mr. Park: And on page 1,132, line 28, I asked the question: "How was your power, was it in good condition?" That is, I intended to say "good condition," but it reads "poor condition." I had rather have it the other way.

The Chairman: Mr. Sheean, I believe you had the witness when we took the recess.

FRED F. BLOOM was recalled for further examination, and having been previously sworn, testified as follows:

Mr. Sheean: Mr. Bloom, you described, or spoke of a mine run service on the Soo Line this morning.

Mr. Bloom: Yes, sir.

Mr. Sheean: I wish you would give us just a little more in detail just what is done in that work?

Mr. Bloom: You understand I am not personally familiar with the conditions up there myself, but I understand this from men who are working in that district.

Mr. Sheean: Well, you spoke of going out from Ashland to Bessemer.

Mr. Bloom: Yes, sir.

Mr. Sheean: A distance of 53 miles?

Mr. Bloom: 58 miles.

Mr. Sheean: 58 miles?

Mr. Bloom: About.

Mr. Sheean: Now, after arrival at Bessemer, can you give us some general description of what the work done there is?

Mr. Bloom: No, sir, I cannot do it.

Mr. Sheean: As I got it this morning, the men, after being at Bessemer, may be there an uncertain length of time, in their work.

Mr. Bloom: Yes, sir.

Mr. Sheean And then returned to Ashland, where the headquarters were?

Mr. Bloom: They are notified when they are there, the afternoon before they get through with them, that their job comes off that night, the way I understand it.

Mr. Sheean: At Bessemer they may be there two or three or four or five days or a week or two weeks at a time?

Mr. Bloom: Yes, sir, it is indefinite.

Mr. Sheean: But you have no knowledge of just what their work there is?

Mr. Bloom: No, sir.

Mr. Sheean: Is it the handling of ore at the mines?

Mr. Bloom: The handling of ore, yes, sir, that is what their work is.

Mr. Sheean: And then the ore, after being assembled at some mine or mines there—

Mr. Bloom: Well, it is in the yards, I believe.

Mr. Sheean: In the yards there?

Mr. Bloom: Yes, sir.

Mr. Sheean: Do you understand that this mine run work there is getting the loaded cars into the yard?

Mr. Bloom: Some of it, I believe.

Mr. Sheean: Some of it?

Mr. Bloom: Yes, sir.

Mr. Sheean: And these shipments are being assembled, are being brought down to Ashland for trans-shipment by lake?

Mr. Bloom: I could not say as to where they do go from Bessemer, but those are the conditions of the men that are sent from Ashland there, that I stated.

Mr. Sheean: But what their work is while there, you don't know?

Mr. Bloom: No, I haven't any information at all as to what it is.

Mr. Sheean: And as to the regularity or irregularity of the service, or the way in which it is done, or any inequalities that there are in that respect, you have not taken it up with the officers of the Soo Line?

Mr. Bloom: I don't know whether they have or not. That is not my district up there.

Mr. Sheean: It is not in your district?

Mr. Bloom: No.

Mr. Sheean: I understood you, this morning, to describe a long trip, at the time that a man was a long time away from his home terminal. Starting out from Gladstone, I think you said.

Mr. Bloom: Yes, sir.

Mr. Sheean: And going first to Rhinelander?

Mr. Bloom: Yes, sir.

Mr. Sheean: And then from Rhinelander to Weyerhauser.

Mr. Bloom: Yes, sir.

Mr. Sheean: And counting as his time away from his home terminal until he got back to Gladstone?

Mr. Bloom: Until he got back to Gladstone, yes, sir.

Mr. Sheean: How long is the run from Gladstone to Rhinelander?

Mr. Bloom: One hundred and twenty-six miles.

Mr. Sheean: To Rhinelander?

Mr. Bloom: To Rhinelander.

Mr. Sheean: That is west; Rhinelander is 126 miles west of Gladstone?

Mr. Bloom: Yes, sir.

Mr. Sheean: Then how far west of Rhinelander is Weyerhauser?

Mr. Bloom: 103 miles.

Mr. Sheean: And the way that is run, in fact, is to run from Gladstone to Rhinelander, lay up there?

Mr. Bloom: Yes, sir.

Mr. Sheean: And then go on west on the same line to Weyerhauser?

Mr. Bloom: Yes, sir.

Mr. Sheean: Except for the convenience of the men, the railroad company really operates this in such a way that the

headquarters of the division might be maintained at Weyerhauser?

Mr. Bloom: Do you mean the whole terminal?

Mr. Sheean: Yes.

Mr. Bloom: No, I don't think it could be maintained at Weyerhauser.

Mr. Sheean: Well, Weyerhauser is right in the middle of this long westbound run from Gladstone clear out to Weyerhauser, which could be maintained as the home terminal—or at Rhinelander, I mean to say.

Mr. Bloom: Well, I don't think it could be, without a great expense to the company. Of course, that is their own business, but that is what they generally look at, in establishing a terminal.

Mr. Sheean: Do you understand that this held-away-from-home-terminal proposition contemplates the application of a rule that, for the convenience of the men living at Gladstone, there will be a run over a division of 103 miles, lay over there; and then go on west another 103 miles, and lay over there? Take it in two steps back, and that you should count all of their time until they get back at the home terminal, from their starting time?

Mr. Bloom: Just to give you an example of what the men are up against there, if you start out of Gladstone, and are gone four days, you would expect to get back, just for the sake of cleanliness, wouldn't you?

Mr. Sheean: Mr. Bloom, has there been any objection made to half of these crews living at Rhinelander?

Mr. Bloom: Yes, sir; strenuous objection.

Mr. Sheean: On behalf of the company?

Mr. Bloom: By the master mechanic at Gladstone.

Mr. Sheean: Do part of the men live at Rhinelander?

Mr. Bloom: I lived there when I was working out of Gladstone, and, there is a man that lives there who runs a switch engine at Rhinelander there now, but otherwise I do not understand there are any men living there at Rhinelander and running on a through freight run.

Mr. Sheean: Did part of the men live there at one time?

Mr. Bloom: No, sir; I was the only man that worked on through freight that lived at Rhinelander.

Mr. Sheean: And the run as actually arranged is that starting from Gladstone you run to Rhinelander and tie up there?

Mr. Bloom: Tie up until they need you again, or your eight hours rest is up under the federal law.

Mr. Sheean: What is the objection, on the part of the company, to permitting the men turning at that point, part of them running west from Rhinelander and part running east?

Mr. Bloom: I have not been able to find out what the objection was, but I know at the time some of us tried to get it changed, that the master mechanic circulated a petition among some of the men that couldn't hold a regular engine, and got signers to the effect that they wanted the division left as it was.

Mr. Sheean: That is, it was taken up and the signers, the men involved, determined it?

Mr. Bloom: No, sir, it was not the men involved; it was the men that could not be involved; the men off the extra list.

Mr. Sheean: Well, the men off the extra list were running when their turn came, were they not?

Mr. Bloom: Well, when their turn came, which was not very often.

Mr. Sheean: How long ago was this discussion up as to whether the crews would, all of them, live at Gladstone, or part of them live at the intermediate point of Rhinelander?

Mr. Bloom: I think it was some six years ago we took that up.

Mr. Sheean: About six years ago?

Mr. Bloom: I think so; about that.

Mr. Sheean: Has it been up since that time?

Mr. Bloom: No, sir; I understand it has never been taken up since then.

Mr. Sheean: Are you authorized to say that if the Soo Line transfers half of these men to Rhinelander, the intermediate point, letting half the men live at that point, and half at the other point, that that will be satisfactory to the men?

Mr. Bloom: I am not working there now and I am not in a position to say what they want down there. The main thing, as I understand what they want, is to get back home from this two division trip in a shorter time than they do now.

Mr. Sheean: Well, the fact about the operation is that it

is run west bound from Gladstone as far as Rhinelander, where the train is tied up and the men rest?

Mr. Bloom: The men rest, but their train is not tied up, ordinarily.

Mr. Sheean: Well, what do you mean by not tied up?

Mr. Bloom: There is a crew there to relieve this crew that comes in. For instance, a train starts out of Gladstone and gets to Rhinelander, and gets there at two o'clock in the afternoon, and there will be a crew called at two o'clock in the afternoon to go to work, and they will take out the train these men brought in.

Mr. Sheean: The train goes on and the crew is relieved at that point?

Mr. Bloom: The crew is relieved at Rhinelander, yes.

Mr. Sheean: And go to bed, or they do whatever they see fit to do until their rest period is up?

Mr. Bloom: Yes, sir.

Mr. Sheean: Then, are they again called in order, first in and first out, at this intermediate point?

Mr. Bloom: With the exception of the way freights, they are, and in the passenger runs.

Mr. Sheean: Then, arriving at Rhinelander you are relieved of all responsibility as to your train, and go in order as to when you will go out again?

Mr. Bloom: Yes, sir.

Mr. Sheean: And then complete the run from there on west, over to Weyerhauser?

Mr. Bloom: Yes, sir.

Mr. Sheean: And, upon arrival at Weyerhauser, you again run first in and first out?

Mr. Bloom: East.

Mr. Sheean: East?

Mr. Bloom: Yes, sir.

Mr. Sheean: And do that as far as Rhinelander, the intermediate point?

Mr. Bloom: Yes, sir.

Mr. Sheean: And, when you arrive at Rhinelander, you are released there and again take your place in first in and first out, as to going back east?

Mr. Bloom: No, not as to going back east; you may go west again.

Mr. Sheean: Well, you might go back to Gladstone or might not go back to Gladstone?

Mr. Bloom: You might go back to Gladstone and might not.

Mr. Sheean: Are you authorized to say that if the company, for the convenience of the men, makes this intermediate point, Rhinelander, the home terminal for all the men on both these divisions, that that will be satisfactory to them?

Mr. Bloom: I am not authorized to make any statement, because I am not working there now, and I don't know whether that would be satisfactory to the men or not.

Mr. Sheean: Well, the matter of how the pools are run at these particular points is taken up between the men and the operating officials?

Mr. Bloom: In some cases.

Mr. Sheean: You know of no discussion as to this particular branch of the case during the last six years?

Mr. Bloom: No, I do not.

Mr. Sheean: Six years ago it was up?

Mr. Bloom: About six years ago.

Mr. Sheean: Some of the men petitioned to have it one way and some another way?

Mr. Bloom: Yes—well, it was the master mechanic that petitioned to have it left as it was.

Mr. Sheean: Well, at the solicitation of the master mechanic, some of the men signed a petition that it be permitted to remain in that way?

Mr. Bloom: Yes, sir.

Mr. Sheean: And the majority of all those who might be called upon to run upon this part of the Soo system signed the petition to have it remain in that way?

Mr. Bloom: Well, he had quite a number of signers; I would not say they were all, or a majority of them, but he had a certain number of signers, which had an effect on the management.

Mr. Sheean: And the matter of changing the way of running there has not been up with the management since, so far as you know?

Mr. Bloom: No, sir.

Mr. Sheean: I think you said that in the month of No-

vember, 1914, the average time of your run, on the run where you are now, was nine hours, forty-five minutes?

Mr. Bloom: Nine hours and forty minutes.

Mr. Sheean: Have you the average time, or were you on this same run in November, 1910?

Mr. Bloom: No, sir, I was not.

Mr. Sheean: Can you tell us—how far back have you been on this run?

Mr. Bloom: I have been on this run eight months.

Mr. Sheean: Eight months?

Mr. Bloom: Yes, sir.

Mr. Sheean: How does the average for November, 1910, as to hours on the run compare with the other months?

Mr. Bloom: I think it is about the same since I have been there; they have been making about the same time.

Mr. Sheean: How is the traffic on this division that you run, pretty steady through all seasons of the year, or does it vary at different times in the year?

Mr. Bloom: It varies during different times of the year.

Mr. Sheean: What are the busy months and what are the light months?

Mr. Bloom: The light months are about from May until the middle of August or the first of September.

Mr. Sheean: In which direction is the traffic during that time?

Mr. Bloom: The traffic is mostly west during those summer months.

Mr. Sheean: About how much does the west bound overbalance the east bound during that time?

Mr. Bloom: Well, I am not prepared to say how much it does. Trains are run light, going east.

Mr. Sheean: At other seasons of the year than you have described, how does the traffic vary?

Mr. Bloom: During the winter months or the fall, the traffic is heavier east than it is west.

Mr. Sheean: What commodity is being carried during that time, largely?

Mr. Bloom: Well, from September until, say, March or April, stock and grain, east.

Mr. Sheean: And flour?

Mr. Bloom: No, the flour mostly starts from Minneapolis or St. Paul and then proceeds east, and that is about the heft of their business, I guess, stock and grain, during the fall months.

Mr. Sheean: What do they have west bound during that time?

Mr. Bloom: Well, it runs pretty heavy to merchandise, I believe.

Mr. Sheean: Is it heavier in one direction than in the other during that time?

Mr. Bloom: Yes; it is heavier east than it is west.

Mr. Sheean: You have given the change in tonnage ratings on the particular division where you are, since the installation of the Mikado engines. Do you know what the changes have been upon the other divisions on the Soo Line?

Mr. Bloom: Well, not from my personal experience, but I have a statement from the men on other divisions.

Mr. Sheean: On all of the other divisions?

Mr. Bloom: No, not on all of them. The divisions south out of Minneapolis—some of them.

Mr. Sheean: Is the tonnage rating on the division where you are now, as high as the highest rating on any part of the Soo System in 1910?

Mr. Bloom: I don't understand your question.

Mr. Sheean: Have you gotten up, on the division where you are now, to as high a tonnage rating as the Soo had on its best district, in 1910?

Mr. Bloom: Well, in the districts that I am familiar with, it is higher than the rating was in 1910.

Mr. Sheean: And were you familiar with all of the ratings, the Soo Line ratings, in 1910?

Mr. Bloom: Well, pretty much.

Mr. Sheean: And is your rating higher than the rating on some of the divisions that you are familiar with, now?

Mr. Bloom: Yes, sir.

Mr. Sheean: Do you think it is feasible and practicable to make any distinction between the pay of the men on different divisions of the Soo Line, based upon the ratings, tonnage ratings on the different divisions?

Mr. Bloom: No, sir. They might have conditions to con-

tend with on other divisions, that we do not have at all on this particular division, and it might be worse than anything we have got.

Mr. Sheean: You are not able to state just what the highest tonnage rating on any part of the Soo System was, in 1910?

Mr. Bloom: Not on all parts of the Soo System.

Mr. Sheean: They did have, or did they have Mikado engines of the type and style now on your division, on some other parts of that system, in 1910 and 1911?

Mr. Bloom: No, sir. The Mikado engines came between the 15th of February and the 1st of April, some time, in 1912.

Mr. Sheean: And what division were they put on?

Mr. Bloom: They were first put on the First Minnesota Division, west of Minneapolis.

Mr. Sheean: That is the division you were working on?

Mr. Bloom: Yes, sir.

Mr. Sheean: But a different division from where you are now running?

Mr. Bloom: That is the same division that I am now running on.

Mr. Sheean: This was the first division on which the Mikado engines were used?

Mr. Bloom: Do not understand me to say—I was not on that division at that time. It was in June, 1912, that I went on this division.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Stone: I am particularly interested in that circular that the master mechanic circulated, because I have seen a few of them circulated in my time. Is it not a fact, that when an official of the company circulates a petition, that he can always find signers?

Mr. Bloom: Yes, sir.

Mr. Stone: And isn't it a fact that somebody had better sign it, if they want to stay?

Mr. Bloom: Well, I would not put it that strong. I don't know of any case.

Mr. Stone: Isn't there a quiet coercion back of it all, that the men feel obliged to sign a petition that an official circulates?

Mr. Bloom: Well, I don't know. I never felt obliged to sign a petition. Some men may.

Mr. Stone: With regard to the establishment of headquarters, does the company always consult the convenience of the men in establishing these headquarters?

Mr. Bloom: No, sir.

Mr. Stone: Is it not a fact that the Soo has been noted for changing the different terminals, regardless of the wishes of the men?

Mr. Bloom: I don't believe they have ever consulted their men, in changing the terminals.

Mr. Stone: Are you familiar with the time when, with a stroke of the pen, they changed the headquarters from Chippewa Falls to Abbotsford, and the men had to sell their property at 40 cents on the dollar and move to Abbotsford?

Mr. Bloom: I am not familiar with it. I have heard of the incident.

Mr. Stone: And they established a new headquarters up in the pine woods in the dead of winter, and the men were required to sleep in box cars at Abbotsford?

Mr. Bloom: I believe such was the case.

Mr. Stone: And, after the men had built up their homes and built up schools, and had in electric works, by another stroke of the pen, they abolished Abbotsford and moved the headquarters back to Chippewa Falls?

Mr. Bloom: I have heard of that.

Mr. Stone: So it is not a question of establishing the headquarters to suit the men?

Mr. Bloom: No, I don't believe so.

Mr. Stone: It is a notorious fact that men on this particular division you describe, between Rhinelander and Weyerhauser and Gladstone, are often away from home a week or ten days at a time, or two weeks?

Mr. Bloom: Yes, sir.

Mr. Stone: And the men do not believe it is either necessary or called for by the service of the company?

Mr. Bloom: No, sir. I think that is the case.

Mr. Stone: How many times, since you have been in the service of the Soo Railway, have you been called and released, not used?

Mr. Bloom: I cannot recall any instance when I was called and released, not used.

Mr. Stone: Regarding those two men that you spoke of, who were disciplined, I think the question was asked of you whether they went out or not—it is a fact that they went out of a job, isn't it?

Mr. Bloom: I believe that one of them was taken out of service—I might have stated that he was dismissed, but I won't be certain on that point. It is a fact he lost some time—quite a lot of it.

Mr. Stone: Regarding this man who was taking his engine from the engine track to the train yard, and was cornered on the track by the passenger train; had he any way of knowing whether that passenger train had arrived or not?

Mr. Bloom: Not, unless he left his engine and went down to the depot and checked the register.

Mr. Stone: And that would have been how far?

Mr. Bloom: That would have been a distance of about forty car lengths, I think.

Mr. Stone: And it might have been that this passenger train was delayed and not on time?

Mr. Bloom: Yes, sir.

Mr. Stone: But it is a fact that they are supposed to get on their engines and move down to this yard, is it not?

Mr. Bloom: Yes, sir.

Mr. Stone: Without any protection of any kind?

Mr. Bloom: Well, I don't know that the company upholds the men in it, but it has been the practice to do that, and in this case, why, he was disciplined because he was cornered.

Mr. Stone: I think, in reply to a question of Mr. Sheean—he asked you if there was no work for a way freight, if they would run the train on that day anyway, and you replied yes. Did you ever know them to run a local train when there was no work to do?

Mr. Sheean: No tonnage, I meant to say. I don't remember just what I said, but I attempted to ask the question whether they held up local way freights until they got the tonnage rating of the engine.

Mr. Stone: I have a notation here that if there was no

work for a way freight train they would have run the train on that day anyway.

Mr. Sheean: What I intended to ask was, whether they held locals until they got the tonnage rating.

Mr. Bloom: I answered Mr. Sheean's question the way I understood that he meant it, that they would run the way freight if they did not have the full rating for the way freight.

Mr. Stone: But, if there was no work of any kind at all along the division, they would not run the way freight just for the sake of running the train, would they?

Mr. Bloom: Oh, no.

Mr. Stone: Coming down to the question of the Mikado engines, I believe you said there were four men on this pool at the present time?

Mr. Bloom: Yes, sir.

Mr. Stone: And these men are assigned to regular engines?

Mr. Bloom: Yes, sir.

Mr. Stone: Although the engines are run first in and first out?

Mr. Bloom: Yes, sir.

Mr. Stone: Isn't it a fact that the company wants to keep regular men on their engines?

Mr. Bloom: Yes, sir.

Mr. Stone: Why do they do this?

Mr. Bloom: Well, I believe that they have found, in their experience, that an engine will make more mileage between shopping, with a regular man on it, than she will in the pool.

Mr. Stone: In other words, it is cheaper; the upkeep of the engine is cheaper with a regular man than it is in pool service?

Mr. Bloom: I believe that is the way they figure it.

Mr. Stone: Would it be possible if you four men wanted to throw another man into the pool and have five on the four engines, that the company would be willing to do it?

Mr. Bloom: I think that they would make strenuous objection.

Mr. Stone: They are very anxious to keep the regular men on the regular engines?

Mr. Bloom: Yes, sir.

Mr. Stone: I think that is all, Mr. Chairman.

RE-CROSS EXAMINATION.

Mr. Sheean: There are differences of opinion and differences of practice about pooling of engines, as well as having the men run in a pool, on different roads?

Mr. Bloom: I believe between different managements there are.

Mr. Sheean: Some prefer to keep the man and the engine together?

Mr. Bloom: Yes, sir.

Mr. Sheean: And others pool the engines as well as the men?

Mr. Bloom: Yes, sir.

Mr. Sheean: Now, you told Mr. Stone you never knew of a freight train going out, a local freight train going out, without there being anything to take out—did you ever know of a case where the local had nothing whatever to take out, or where there was no merchandise to distribute?

Mr. Bloom: If I made that statement I do not remember it. As I answered Mr. Stone, I believe he said they went out when there was no work for them.

Mr. Sheean: And the way freights are, ordinarily, regularly scheduled trains?

Mr. Bloom: Yes, sir.

Mr. Sheean: How long ago was this history that Mr. Stone referred to about Abbotsford and Chippewa Falls, and changes of terminals? How many years ago was that?

Mr. Bloom: Well, I won't say for certain, but I think it was about three or four years ago; three years ago, I think. About that. I won't say for certain; I am not on that division, and not familiar enough with it to know just exactly, but I heard of the case from the men that were working into Minneapolis.

Mr. Sheean: Where is Abbotsford?

Mr. Bloom: Abbotsford is situated at—well, I think it is something less than 200 miles from Minneapolis, east.

Mr. Sheean: It is on the Soo line, proper?

Mr. Bloom: It is on the Chicago Division of the Soo Line.

Mr. Sheean: That is the Wisconsin Central?

Mr. Bloom: That was the Wisconsin Central.

Mr. Sheean: Until how long ago?

Mr. Bloom: Well, I don't know just exactly the year.

Mr. Sheean: Was this change of terminals while this was the Wisconsin Central, or was it after the Soo Line acquired the old Wisconsin Central?

Mr. Bloom: It was after the Soo Line acquired the Wisconsin Central.

Mr. Sheean: And made it a part of a larger system?

Mr. Bloom: Yes, sir.

Mr. Sheean: Chippewa Falls was a division point upon the old Wisconsin Central?

Mr. Bloom: I won't say for a certainty whether it was or not. I believe it was, though; a local terminal.

Mr. Sheean: You say that you don't recall any time, being paid when you were called and not used. Are you able to recall or give the number of times when you have been paid for 100 miles, or for ten hours, where you did not work either 10 hours or run 100 miles?

Mr. Bloom: Yes, sir, I can recall instances of that kind in work train service.

Mr. Sheean: A good many of them?

Mr. Bloom: No, not a good many of them. It is occasionally they get that. For instance, a man working in the pit on a gravel train, he might be called on Sunday to help wash out the steam shovel, which would take him anywhere from three to five, or seven hours; he would get a hundred miles for that.

Mr. Sheean: And, in any of these instances that were referred to this morning, when we were talking about the 59 minutes in case you got out on the road any distance, whether it was two miles, five miles or ten miles, and your engine broke down, or anything else happened, so that your service terminated at the end of two or three or four hours, and your miles at the end of eight, ten or fifteen miles, you were paid a hundred miles for it?

Mr. Bloom: Our schedule says that 100 miles or less, 10 hours or less, constitutes a day's work, and we would get one day's work, providing we had no other service to perform that day.

Mr. Sheean: That is all.

Mr. Nagel: You spoke of the inconvenience and discomfort which you suffer when detained away from home for a long period of time?

Mr. Bloom: Yes, sir.

Mr. Nagel: About how long have you been kept away from home at a time?

Mr. Bloom: Just what instance do you refer to?

Mr. Nagel: Any instance.

Mr. Bloom: When I was working out of Gladstone there, I lived at Rhinelander, and I was in the middle of these two divisions, so I never suffered the discomforts that the men did that lived at Gladstone; but I knew of cases, although I haven't the dates, where men that lived at Gladstone were kept away from home ten days, just turning; go up to Rhinelander, and then go west to Rhinelander and turn on that one division, until they would not get back home for anywhere from a week to ten days.

Mr. Nagel: It is of considerable importance to you just where the terminal is fixed, and also how possible it is for you to make the runs which are assigned to you?

Mr. Bloom: Yes, sir.

Mr. Nagel: Isn't it of great importance to you also, to have your home station so fixed, that you can live there advantageously?

Mr. Bloom: Yes, sir; it is.

Mr. Nagel: Didn't I understand you to say that, in a case referred to, a number of engineers had been compelled to sell their homes, because of a sudden change in the station?

Mr. Bloom: That is the way I understand it.

Mr. Nagel: Is it customary for engineers to own their own homes?

Mr. Bloom: Well, an engineer is a human being, and most every human being, as well as animals, likes to have a home, I think, and to own it.

Mr. Nagel: I am very glad to admit the humanity, but I want to know whether he was able to do it.

Mr. Bloom: Under some of the existing circumstances he is not able to do it.

Mr. Nagel: In this particular instance, you gave the im-

pression that the engineers did own their own homes and were compelled, by reason of the sudden change, to sacrifice them?

Mr. Bloom: That is the way I understand it, yes, sir.

Mr. Nagel: That presupposes ownership, does it not?

Mr. Bloom: Yes, that is what it does.

Mr. Nagel: You don't know how common it is to have engineers own their own homes?

Mr. Bloom: In Minneapolis, where I am working out of now, I think I am safe in saying that 75 per cent of them own their own homes.

Mr. Nagel: Do you think that this change, to which you referred, was wantonly made, or did it have a purpose in mind at the time?

Mr. Bloom: Well, I understand that the Soo made grade revisions and built a new line, what they call the Spencer cut-off, I believe, and, in order to work the trains over this cut-off to an advantage, they had to change the terminal, that is, the through freight terminals. I understand the way freights are working out of Abbotsford yet.

Mr. Nagel: Afterwards it was changed back again?

Mr. Bloom: I don't know whether it was ever changed back again on through freights or not. I don't believe it was. I think all the through freights run now from Abbotsford to Stephens Point.

Mr. Nagel: You think, then, that was a change brought about by the enlargement of the road, or the acquisition of a new line?

Mr. Bloom: It was a new line they built, I believe, that brought that change about.

Mr. Nagel: Would you have us to understand that superintendents are guilty of making changes of that kind, wantonly, without considering your comfort?

Mr. Bloom: I don't know as they would do it wantonly, but I certainly don't know of any instance where they consulted the men in making these changes.

Mr. Nagel: You do think that it is frequently done, without sufficient consideration for your position, and your comfort?

Mr. Bloom: Well, we feel that way about it.

Mr. Nagel: Is it a mere feeling, or it is an opinion?

Mr. Bloom: Well, it is our opinion.

Mr. Nagel: Based upon experience?

Mr. Bloom: Well, I cannot say from experience, because they never moved me out of my home that way.

Mr. Nagel: It is an important matter, to my mind, and I will tell you directly why I think so. You stated also that you had never signed a paper because the superintendent asked it to be signed.

Mr. Bloom: I said I never felt that I had to, and I never have, either; I will make that statement, I never have.

Mr. Nagel: You exercised your own judgment?

Mr. Bloom: Yes, sir.

Mr. Nagel: Is it not safe to assume that by this time the representation on both sides is sufficiently strong to have each respect the other?

Mr. Bloom: Well, I don't know. There has been a good deal of influence brought to bear on the managers, all right, but whether they consider the representation there or not, I don't know.

Mr. Nagel: I am anxious to know, and so far I have gathered the impression that your representation is probably quite strong. It is important in my mind, because no contract is worth much, no agreement is worth much, unless both parties propose to co-operate in the carrying out of that agreement.

Mr. Bloom: Yes, sir.

Mr. Nagel: If we are to make new rules here, and establish new standards—

Mr. Bloom: Yes, sir.

Mr. Nagel (Continuing): —it would be important on my part to know whether we may count upon a harmonious co-operation, or whether we have to deal to any large extent with some of the motives that have been suggested.

Mr. Bloom: Well, in answering that question, I think that as far as we are concerned here, the best we can get from this Board of Arbitration, we will be willing to abide by it or follow it.

Mr. Nagel: Have you any reason to believe that the other side will not meet you in the same spirit?

Mr. Bloom: From our experience with the general managers, I should say that anything we get from them will have to be drilled out of them; that is all.

Mr. Nagel: You think that is true, after the Award?

Mr. Bloom: Well, that is my personal opinion.

Mr. Nagel: And you think that is the common impression?

Mr. Bloom: I believe it, yes, sir.

Mr. Park: Mr. Bloom, have you any knowledge as to whether the company reimbursed the engineers for their homes when they removed the terminals?

Mr. Bloom: No, I have not. I said I am not personally familiar with all the conditions.

Mr. Park: The reason I asked that question is that on the Union Pacific and in other localities that I have been acquainted with, when those changes were made, the men were all paid for their homes.

Mr. Bloom: They may have been in this case, I don't know.

Mr. Park: You do not know but what they were?

Mr. Bloom: I do not know but what they were.

Mr. Park: That is all.

Mr. Stone: I would like to say, for the information of the Board, if I may be allowed, that in this particular case these men were not paid a dollar. When they moved from Chippewa Falls to Abbotsford, they sacrificed their homes for about 40 cents on the dollar, and when the division was moved back from Abbotsford to Chippewa Falls again, I think it is safe to say that that property left up there is not worth ten cents on the dollar. There are about forty thousand dollars' worth of claims which are in the hands of the Committee, and which we are still trying to have the company pay, but it is not settled yet.

Mr. Nagel: Is that the common practice, or is that an exceptional case?

Mr. Stone: I only know of about three cases where the men have been paid for the loss to their property by change of divisions.

Mr. Nagel: And do you know of any cases to the contrary?

Mr. Stone: Yes, sir, a great many cases.

Mr. Burgess: When the engineers and firemen go on these long trips of two weeks' duration, how do they arrange for change of clothing?

Mr. Bloom: They wear the same clothes they leave home in until they get back again.

Mr. Burgess: In summer?

Mr. Bloom: In summer and winter, alike.

(Witness excused.)

B. P. YOUNG was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is engineer B. P. Young, of the Union Pacific Railroad, of the Western District of the Kansas Division running between Ellis and Salina, Kansas, a distance of 117 miles.

You are at present employed in the service of the Union Pacific Railway?

Mr. Young: Yes, sir.

Mr. Stone: What class of service are you in?

Mr. Young: Freight service.

Mr. Stone: How long have you been in this class of service?

Mr. Young: About thirteen years.

Mr. Stone: What class of engine are you running at the present time?

Mr. Young: Ten wheel type, 20 by 28 inch cylinder, 134,000 pounds on drivers. a

Mr. Stone: Has the tonnage rating increased in your district since 1910?

Mr. Young: Yes, sir.

Mr. Stone: To what extent has it increased?

Mr. Young: Between Junction City and Salina the actual tonnage handled by one crew from June 16th to September 22d, 1912 and 1914, as shown by records, is as follows:

The average tonnage for westbound trains for this period in 1912, was 1,275 tons; eastbound 1,605 tons.

For the same period in 1914, the average tonnage westbound was 1,415 tons and eastbound 1,888 tons.

Mr. Stone: Is that a fair summary of the increased tonnage of the Kansas Division?

Mr. Young: Yes, a fair sample.

Mr. Stone: What has been the cause of this increased tonnage? Have you the same power?

Mr. Young: The same power. Heavier loading of trains.

Mr. Stone: By this heavier loading of trains in drag freight service, have the number of hours on the road been increased?

Mr. Young: Yes, sir. On the district where I am working engineers have been tied up twice under the law in making a trip between Ellis and Salina, a distance of 117 miles.

Mr. Stone: I wish you would relate to the Board in your own way, if you can, without referring to your notes, this particular trip which you speak of, where a man was three days getting over a 117 mile division.

Mr. Young: Well, I cannot relate it without the dates of the trip, but a man left Ellis, an engineer, at 2:15 on one day, I think it was September 11th, and he worked thirteen hours and twenty minutes, or forty minutes before he tied up, and he had made fourteen miles.

Mr. Stone: Where did he tie up?

Mr. Young: At Hayes, fourteen miles distant from the terminal where he started. Then he proceeded, after his legal period for rest, a distance of forty-three miles more.

Mr. Stone: Where did he tie up then?

Mr. Young: At Dorrance. He had been on the road this time thirteen hours, forty minutes. After the legal period of rest at Dorrance, he proceeded again on his journey and reached the terminal at Salina, a distance of 117 miles all told, but a distance of sixty miles from the second tie-up. He had been thirteen hours and fifteen minutes on this trip, making a total of forty hours and thirty minutes for 117 miles between terminals, Ellis to Salina.

Mr. Stone: Being three days enroute?

Mr. Young: Three days running.

Mr. Stone: Are tie-ups under the law quite common on your division?

Mr. Young: Yes, quite common.

Mr. Stone: Have you any fast freight service in your district?

Mr. Young: Yes, we have some fast freight service.

Mr. Stone: You make much better time with these, of course, than you do with the drag freight?

Mr. Young: Considerably better time. They must reach the terminal on time, some of them, regardless of tonnage.

Mr. Stone: What time are you required to report for duty?

Mr. Young: Thirty minutes before time to start.

Mr. Stone: How long are you called before leaving time?

Mr. Young: About one hour and thirty minutes, as near as practicable.

Mr. Stone: You have the usual preparatory work of getting ready and checking bulletins and so forth, as described by the others?

Mr. Young: Yes, sir.

Mr. Stone: Do you receive any compensation for this work?

Mr. Young: No, sir.

Mr. Stone: Do you consider that you are entitled to compensation for this work?

Mr. Young: Yes, sir. I think that it is work outside of the road time, which we are paid on a mileage basis, and the compensation is determined by the amount of miles run.

Mr. Stone: In other words, you think it should be separate and distinct, and should be an arbitrary allowance?

Mr. Young: Yes, sir.

Mr. Stone: Why do you think it should be paid for without respect to the time on the road?

Mr. Young: Because we are paid on a mileage basis, and the allowance or compensation is based on the miles run.

Mr. Stone: Have you noticed any difference in the cost of living out in your country since 1910?

Mr. Young: Some change, some increase in the prices of what we have to pay for what we eat.

Mr. Stone: Have you ever been pestered by any of these so-called surprise tests or efficiency tests?

Mr. Young: Yes, sir.

Mr. Stone: Have you ever had any switch lights turned red in your face?

Mr. Young: Yes, sir.

Mr. Stone: I wish you would explain to the Board how it happened.

Mr. Young: The light was not turned red in my face, but

it was left red. One night at New Cambria, I was on a fast passenger train, it was about some time in March, 1913, and another one at Salina, this same spring, a red switch was turned.

Mr. Stone: This one at New Cambria that you speak of, was the light turned completely around there, turned red?

Mr. Young: No, it was turned a little bit crossways, so it could not be seen as far as it should have been, due to having been hung on one socket, by one fork of the stand, which would allow the wind or the weight of the lamp to swing it around perhaps a little bit, or enough to get it out of focus.

Mr. Stone: These switch lights are held up by two prongs or forks on the top of the stand?

Mr. Young: Yes, sir, fitted into sockets.

Mr. Stone: And they lifted it out of one and let it hang on the other one, so that it would swing with the wind?

Mr. Young: Yes, hung on one so it would kind of balance.

Mr. Stone: And it might swing around clear, so you could catch it just right, and the next instant it might swing around and show partially red?

Mr. Young: Yes, or you could not see any light to it at all, if you were quite a little distance from it, and perhaps would not be able to see it until you got right onto it.

Mr. Stone: What do you do in these cases?

Mr. Young: Stop, whistle out a flag and ascertain what the trouble is.

Mr. Stone: Do you make an easy stop, or go around in the big notch?

Mr. Young: Full service.

Mr. Stone: And were only sorry you could not stop quicker?

Mr. Young: I would like to stop quicker in such an instance. It puts a man in a peculiar situation, when he is going across the country at fifty or sixty miles per hour and looking for switch lights and things which he knows must be there, and the first he knows of it is the red light, and he would like to be stopped right there, and it could not be too quick; if it was 150 yards from the switch, it would not be too quick.

Mr. Stone: You say 150 yards. Is it not a fact that if

you go by those switches turned red, that they say that you have run by the signal?

Mr. Young: If you go by the switch and stop within a reasonable distance, I believe there is not much action taken; but if you run the switch and don't stop at all, you are immediately taken from the service.

Mr. Stone: At the time these tests were made, was the Kansas law prohibiting their use, in effect?

Mr. Young: The law was drafted and I think in effect. I think it went into effect the 1st of March, 1913. I am not positive.

Mr. Stone: Have you any knowledge of cases where other engineers have been tested by turning switch lights?

Mr. Young: Yes, one at Abilene, and another at Brookville, the same district, but I have not the dates on those.

Mr. Stone: I think that is all.

CROSS EXAMINATION.

Mr. Sheean: I did not get the second date. One was in March, 1913, at New Cambria, when there was a switch light turned, and where was the other?

Mr. Young: The spring of the same year, 1913. I did not give any month, just some time during that same spring.

Mr. Sheean: And where was the other point, the second point you spoke of.

Mr. Young: Salina.

Mr. Sheean: And, at New Cambria, what was the general condition of the track there, was it on a straight track?

Mr. Young: The track was straight, yes, sir.

Mr. Sheean: For how long?

Mr. Young: Oh, for perhaps two or three miles.

Mr. Sheean: And this light, if displayed, was on the engineer's side?

Mr. Young: The switch stood on the engineer's side.

Mr. Sheean: And, if burning, could be seen for the entire range of vision?

Mr. Young: It could, if it had been parallel with the track.

Mr. Sheean: Well, the track was straight for a couple of miles?

Mr. Young: Yes, but the lens in the lamp was not parallel with the track, that is what I am trying to get at.

Mr. Sheean: At Salina, what was the condition of the track as to being a straight track there?

Mr. Young: Straight.

Mr. Sheean: For how far?

Mr. Young: Four or five miles.

Mr. Sheean: Four or five miles?

Mr. Young: Yes, sir.

Mr. Sheean: So that, in both instances, as far as the eye could see, the light was turned at danger?

Mr. Young: Well, as soon as I could see it, the one at Salina was in good condition, and I saw it a long ways; it was a good light, and well turned, and parallel with the track.

Mr. Sheean: And as far as your eye could reach there?

Mr. Young: Yes, sir.

Mr. Sheean: You could see the red light?

Mr. Young: As soon as I got the location.

Mr. Sheean: In the other instance, the track itself was straight for a distance of at least two miles before you approached this place?

Mr. Young: Yes, sir.

Mr. Sheean: And how near to that light were you when you saw that that was turned at red?

Mr. Young: Well, I did not measure the distance, but I presume about 150 feet or perhaps 200 feet—maybe not quite so far.

Mr. Sheean: But you did see that that was at red then?

Mr. Young: Yes, sir.

Mr. Sheean: You did not walk back then, after turning the light to see, as a matter of fact, how far back in the direction from which you were coming you could see the red light?

Mr. Young: No, sir.

Mr. Sheean: You know the track was straight and, at the time you noticed the red light, you were within 150 or 200 feet of it?

Mr. Young: Yes, sir.

Mr. Sheean: You are not able to state now how far back from the light, in the line of vision, you could see that it was at red?

Mr. Young: No, sir.

Mr. Sheean: Was any discipline imposed in either case?

Mr. Young: No, sir.

Mr. Sheean: Those are the only two instances of surprise tests that you have knowledge of?

Mr. Young: That I had myself.

Mr. Sheean: Personal knowledge of?

Mr. Young: Yes, sir.

Mr. Sheean: In how many years' service?

Mr. Young: Thirteen years.

Mr. Sheean: Are you a promoted man, Mr. Young, on the Union Pacific?

Mr. Young: Yes, sir.

Mr. Sheean: How long did you fire?

Mr. Young: About three years.

Mr. Sheean: Have you been on this same part of the Union Pacific all of the time?

Mr. Young: On the Kansas Division all of the time.

Mr. Sheean: There has been no change in the tonnage ratings of your engines since 1910?

Mr. Young: Not in the rating, except in what they have to haul; no time card change.

Mr. Sheean: No time card change?

Mr. Young: No, sir.

Mr. Sheean: They are considerably nearer their tonnage rating now, in the traffic that they actually haul on your division, than they were in 1910?

Mr. Young: Yes, sir.

Mr. Sheean: But the rating at the time the last rating was fixed on the Union Pacific, by the concerted movement of 1910, the same engines were on these divisions and had the same tonnage rating at that time as they have now?

Mr. Young: I think they had the same rating on the time card.

Mr. Sheean: In connection with the presentation of the claims, from which the increase resulted, it was the tonnage rating that was talked of at that time, was it not, Mr. Young, or were you present in any of those negotiations?

Mr. Young: I was not.

Mr. Sheean: Now, the tonnage rating on this particular

division is not now as high as the rating on some other divisions of the Union Pacific, is it?

Mr. Young: Well, I don't know; but the engines pull more than the rating as per time card.

Mr. Sheean: What is it?

Mr. Young: The engines pull more than the rating as per timetable rating; they can do it.

Mr. Sheean: But the rating of the engine itself has not been changed since 1910?

Mr. Young: It has not been changed in the timetable, no, sir.

Mr. Sheean: On this run between Ellis and Salina, do all the men work in a pool there?

Mr. Young: Yes, sir.

Mr. Sheean: So that you get both the fast freights and slow freights—it is all pooled, is it?

Mr. Young: All in the same pool, with the exception of one train, which is only a short run.

Mr. Sheean: That is a local?

Mr. Young: A local freight run, from Salina to Elsworth.

Mr. Sheean: So all the freight is pooled?

Mr. Young: Local and all, except this one run.

Mr. Sheean: The only assigned runs outside of that one run is the passenger service there?

Mr. Young: That is all, yes, sir.

Mr. Sheean: On this long trip in which the man was all this length of time making the 117 miles, I understood you to say that he was out just fourteen miles from where he started when he first tied up at the end of thirteen hours and forty minutes?

Mr. Young: Yes, sir.

Mr. Sheean: What caused that, engine failure?

Mr. Young: Work. Switching, spotting cars. Way freight. There was one station which he had to work before he arrived at this station. This made the second station out where there was work to do. There was a mill there and elevators and business tracks and team tracks—considerable work. Just work.

Mr. Sheean: This was on a local freight, then, was it?

Mr. Young: Yes, sir.

Mr. Sheean: A local freight?

Mr. Young: Yes, sir.

Mr. Sheean: And he tied up at the end of thirteen hours and forty minutes?

Mr. Young: Yes, sir.

Mr. Sheean: And remained on continuous time then, did he, as far as pay is concerned?

Mr. Young: So far as pay is concerned, he just started out then on the hour basis, the next day, the hours or miles, whichever was the greatest he made the next day, during the second day.

Mr. Sheean: Then, after thirteen hours and forty minutes, under your agreement, the company could not tie him up under the law, in thirteen hours and forty minutes?

Mr. Young: They can tie you up after tweive hours and a half, under our schedule; but they must pay you fourteen hours under the schedule, or 140 miles.

Mr. Sheean: Then, he started a new day, the next day, didn't he?

Mr. Young: No, sir, he just started a continuation of the same day that he first had.

Mr. Sheean: What was the station at which this switching was done?

Mr. Young: Hayes.

Mr. Sheean: And that station and Ellis—

Mr. Young: They did some switching perhaps at Yocemento. There is an elevator there and a cement plant. The cement plant does not run, but the elevator does, this time of the year, when the wheat is running. Perhaps had to switch at the elevator at Yocemento, and then proceed to Hayes and switch all of the tracks there.

Mr. Sheean: How long was he tied up there after being out fourteen miles on this run?

Mr. Young: Eight hours and thirty minutes.

Mr. Sheean: The crew was relieved during that time?

Mr. Young: Yes, sir.

Mr. Sheean: Were you a member of that crew?

Mr. Young: No, sir.

Mr. Sheean: Then, at the expiration of the eight hours and thirty minutes they continued on the run?

Mr. Young: Yes, sir.

Mr. Sheean: Have you a memorandum of how much money was paid for that run of 117 miles, to the engineer?

Mr. Young: On the 117 miles he was paid for forty hours —410 miles, I think.

Mr. Sheean: At what rate?

Mr. Young: At 53 cents a hundred.

Mr. Sheean: 410 miles?

Mr. Young: I think that would be right—100 miles for each 10 hours.

Mr. Stone: It would be 405 miles, would it not—thirty minutes?

Mr. Young: Thirty minutes would give him an hour.

Mr. Sheean: So that on that trip, as thus described, the pay to the engineer on that run, for that 117 miles, done under the peculiar hardships you have described, the company paid him something over $21 for it?

Mr. Young: Yes, sir.

Mr. Sheean: For that single trip?

Mr. Young: Yes, sir.

Mr. Sheean: Now, there were some unusual conditions with reference to switching there, in the first fourteen miles, and again occurring at different parts of that trip, that made this a very unusual trip?

Mr. Young: Well, I don't know. I did not hear of any derailments or any cause, or anything else but just work. They have a few cars stored there, of wheat, and on account of short trackage room there, it is nearly always full and of course there is a kind of congested condition at this one station, Hayes, which makes the time longer than it would be, provided the yard room was sufficient.

Mr. Sheean: It was due to the yard room not being sufficient there?

Mr. Young: And the work that they had to do; tracks and elevators and mills, and things that they had to spot.

Mr. Sheean: When you said it was not uncommon to have detentions beyond the hours of service, on this division—how many cases have there been in your observation, within the last year, and the total number of trains operated there?

Mr. Young: Oh, I haven't checked it for a year. Most of

the time the tie-ups on our districts occur at the time when the business is greatest. At a slack time of the year it is not necessary to tie up, because we haven't the tonnage moving, therefore, we can get over the road in a shorter space of time; but, if the tonnage was there to go all the time, we would have tie-ups each trip and each day, if the same amount of tonnage was there.

Mr. Sheean: Of course, the railroad is built and operated to take care of the business that is there?

Mr. Young: It sure is.

Mr. Sheean: I was trying to get at what your observation was as to how frequently, on the total number of trains run,—about in what percentage of the cases, you did find that the tonnage was up to where they could not get that tonnage for that day or for that particular period, over, in the sixteen hours?

Mr. Young: I haven't any statistics for a year, or anything, but I have a few for two or three months more.

Mr. Sheean: What is it?

Mr. Young: I have eight or ten more tie-ups in perhaps the last three months; but I haven't any further back.

Mr. Sheean: Eight or ten tie-ups, all told, in the last two or three months?

Mr. Young: That is all I have a record of. I haven't got them all, I presume.

Mr. Sheean: Two or three months is during the movement of the wheat down there, isn't it?

Mr. Young: During the heavy season of the year.

Mr. Sheean: Outside of those particular months you have in mind, ordinarily, there would not be any tie-ups at all?

Mr. Young: Not so very many.

Mr. Sheean: Then, covering the period in which tie-ups, if they occur, usually occur, you have knowledge of some eight or ten occurring?

Mr. Young: Yes. There were fifteen, perhaps, or something like that.

Mr. Sheean: Out of a total number of hundreds or thousands of trains?

Mr. Young: We had twelve engines assigned on this district in the past sixty days or ninety days, perhaps.

Mr. Sheean: What is it?

Mr. Young: In the last sixty or ninety days, perhaps—

three months—we had twelve engines assigned for this particular part of this district.

Mr. Sheean: How many trains a day?

Mr. Young: Well, they run six or seven trains a day.

Mr. Sheean: In both directions, that is?

Mr. Young: No, they run about, some days, nine trains; five one way and four the other, and they double-head, so they generally figure on working about the whole twelve engines, using them in helper service and other service.

Mr. Sheean: Well, during these three months, counting trains both ways, about how many trains would you say was a fair average, seven or eight or nine altogether?

Mr. Young: Perhaps about seven, taking it for three months.

Mr. Sheean: Counting thirty days in the month, 210 trains a month?

Mr. Young: 210.

Mr. Sheean: Out of a total of 600 trains, then, these detentions you speak of, do they run for the same period of time, back through the last three months?

Mr. Young: I guess that is about as far back as they will run.

Mr. Sheean: So that the detentions of which you have knowledge, when the Sixteen Hour Law operated, covered about three months?

Mr. Young: Yes, sir.

Mr. Sheean: Have you kept any record as to what the average length of time of the man is in that pool, where he catches part of the time, the fast freight, and a part of the time, the slow freight?

Mr. Young: No, I have not checked that up to see what the average time would be in both cases.

Mr. Sheean: But, it usually works out during a year, that the men have about the same opportunity to earn, in the pool?

Mr. Young: They are all in the same pool, and they all have the same chance as to which run they catch.

Mr. Sheean: And a little good luck might bring one man the shorter runs?

Mr. Young: Yes, sir.

Mr. Sheean: Several times in succession?

Mr. Young: Yes.

Mr. Sheean: But, taking it during a period, they average up pretty well?

Mr. Young: Yes.

Mr. Sheean: Now, on the fast freight runs you spoke of there, what time does it take on those carded trains between those points?

Mr. Young: The fastest train we have is seven hours and fifty minutes, I believe and it is 117 miles distance; and the train that makes the best time is carded at nine hours and fifty minutes. That is west bound.

Mr. Sheean: And the seven hours and fifty minutes, is that the train that connects with some—

Mr. Young: That is the east bound.

Mr. Sheean: The east bound?

Mr. Young: Yes, that hauls the stock and manifest, eastward.

Mr. Sheean: That, ordinarily, makes the run on time?

Mr. Young: Sometimes it does but they are not as pasticular about that, as they are the west bound.

Mr. Sheean: The west bound runs on time?

Mr. Young: They figure on its reaching its destination on the Kansas division on time.

Mr. Sheean: And that is seven hours and forty minutes, did you say?

Mr. Young: Nine hours and fifty minutes.

Mr. Sheean: Nine hours and fifty minutes?

Mr. Young: Yes, sir.

Mr. Sheean: During all the time that you have worked on the Union Pacific, it has been an incident to the engineer's work with his engine, that he should inspect his engine, and see that it was in condition, before the run?

Mr. Young: Yes, sir.

Mr. Sheean: And there never has been any time in which the road part of the trip has been separated from the other part of his regular day's task?

Mr. Young: Not yet.

Mr. Sheean: In the operation of trains, do you think it a proper practice, that the engineer should look his engine over, to see that it is in condition, before starting out on the run?

Mr. Young: Yes, sir. I believe that is part of his business as an engineer.

Mr. Sheean: And to know that he has been supplied with the signals, and the tools, and other supplies that are necessary, or may become necessary, on the trip?

Mr. Young: Yes, sir.

Mr. Sheean: The physical work of putting those supplies on the train, the heavier supplies, is done by someone else, is it not?

Mr. Young: All of the supplies are supposed to be placed on at division terminals, on request.

Mr. Sheean: Yes, so that the responsibility of the engineer is simply to know, or to be sure, that this work, done by somebody else, has been done on his engine?

Mr. Young: Yes, sir.

Mr. Sheean: Now, in order to properly do his work on the road, you think it is an incident to the day's work, to know that the supplies have been placed on there, and that the engine is in proper condition?

Mr. Young: I don't think it is an incident to the day's work, inasmuch as he is not paid for the time to do this.

Mr. Sheean: I am not talking about whether you are to be paid separately for that from any other time, but whether or not you think on the task which the engineer does from the time he gets on the premises of the railroad company, until he leaves the premises at night, that is a part of his work?

Mr. Young: To inspect and see that the engine is in proper condition, yes, sir.

Mr. Sheean: To inspect and be sure he has these supplies, and be sure he has the signals, and to be sure that the engine and machine itself is in shape to do its work?

Mr. Young: Yes, sir.

Mr. Sheean: In the work that you have done on the Union Pacific during all these years, there never has been any separation or splitting up of a part of the task of the engineer into different sections, has there, paying for it separately?

Mr. Young: Not that I know of.

Mr. Sheean: The Union Pacific is the only road on which you have worked at any time?

Mr. Young: Yes, sir.

Mr. Sheean: In the fixing of the rates that have been fixed through all these years, when the employes of the Union Pacific had its rates increased, those rates have at all times included the work from the time the man went to work until he got through?

Mr. Young: Yes, sir.

Mr. Sheean: And when your rate was negotiated, and when it was fixed, a part of the engineer's task was, and always has been the preparation and the final delivery of his engine, as well as the road trip?

Mr. Young: There was considerable work that we got removed from doing, that we used to have to do before.

Mr. Sheean: Yes?

Mr. Young: Filling grease cups, taking care of headlights and other work of that description.

Mr. Sheean: When the rates were fixed, back in the older days, the rate which was fixed on the mile or hour basis, covered and included the filling of grease cups, the cleaning of headlights, and all of these other things that were preparatory to the making of the run?

Mr. Young: Yes, sir.

Mr. Sheean: As the engine has gotten larger in size, part of that work has been taken from you?

Mr. Young: Yes, sir.

Mr. Sheean: The cleaning of the headlights has been removed?

Mr. Young: Yes, sir.

Mr.Sheean: The filling of grease cups has been removed?

Mr. Young: Yes, sir.

Mr. Sheean: The setting up of wedges has been removed?

Mr. Young: Yes, they shall be set up on request.

Mr. Sheean: What is it?

Mr. Young: They shall be set up on request.

Mr. Sheean: That is, whenever the engineer requests it?

Mr. Young: Yes, sir.

Mr. Sheean: The roundhouse force does it?

Mr. Young: That is the idea exactly.

Mr. Sheean: You used to have to do that, did you not, in the old days?

Mr. Young: Yes, sir.

Mr. Sheean: During all the time that these rates were fixed on this basis of pay, miles converted into hours, all of those things were a part and parcel of the day's work, about which the engineer was negotiating?

Mr. Young: Yes, sir.

Mr. Sheean: And, it has always been so considered and treated, in all of the fixing of the rates of pay on the Union Pacific?

Mr. Young: So far it has, yes, sir.

Mr. Sheean: That is all.

REDIRECT EXAMINATION.

Mr. Stone: On that single trip, Mr. Young, for which that man received the magnificent sum of twenty-one dollars and something, is it not a fact that he was also about three days in doing it?

Mr. Young: Yes, sir.

Mr. Stone: And slept out in the open somewhere for two nights, probably?

Mr. Young: Yes, sir. He either did that or had to take a bed in Salina and pay for a bed at each place that he tied up, if he could hire a bed. Perhaps he could and perhaps he could not.

Mr. Stone: This question of these engines being rated the same in 1910 as they are now, as to that, is it not a fact that the system of handling tonnage now is in the hands of the despatcher, and he gives you whatever rating he thinks you ought to pull?

Mr. Young: Yes, sir, that is it exactly.

Mr. Stone: The time card rating does not have any bearing on it at all?

Mr. Young: Not a bit.

Mr. Stone: But, the fact remains that you are pulling every ton the engine will handle, are you not, at the present time?

Mr. Young: Yes, sir, whenever the tonnage is there to go.

Mr. Stone: On the question of that switch light at Salina, suppose there had been a fog there, would you have been able to see that switch light two or three miles?

Mr. Young: No, sir.

Mr. Stone: And in this other case over at—

Mr. Young: New Cambria.

Mr. Stone: New Cambria, I understood you to say that you only saw that switch light about 150 feet away, when it swung around, and you could see there was something wrong with it?

Mr. Young: Yes, sir, a short distance.

Mr. Stone: About two of those red lights swung in a man's face at about 150 feet is about enough for an ordinary lifetime, isn't it?

Mr. Young: Well, it is more than I want to see at any time I am going at any speed.

Mr. Stone: Is it not a fact that this turning of a switch light right in a man's face, or its swinging right in his face, 150 feet away, is a good deal like some fool hollering "fire" in a crowded theatre, it has about the same effect on a man?

Mr. Young: Yes, sir, it works on the nerves quite a bit.

Mr. Stone: His heart action had better be about right, had it not?

Mr. Young: It wouldn't do for it to be very weak.

Mr. Stone: I think that is all, Mr. Chairman.

Mr. Park: Mr. Young, where do you run, between Salina and Junction City or between Salina and Ellis?

Mr. Young: Between Salina and Ellis, generally.

Mr. Park: Shortly after the Sixteen Hour Law went into effect, was the terminal from Junction City to Ellis split at Salina?

Mr. Young: Yes, sir.

Mr. Park: The railroad company put up a roundhouse and coal chutes, and made a terminal there, did they not?

Mr. Young: Yes, sir.

Mr. Park: They also cut the division west of there at Sharon Springs, and Hugo?

Mr. Young: Yes, sir.

Mr. Park: Spent two or three hundred thousand dollars at each terminal to make them about one hundred miles long?

Mr. Young: I don't know what they spent, but they shortened the distance.

Mr. Park: They put in complete roundhouses and yards at those localities, where there was nothing previous to that?

Mr. Young: Yes, sir.

Mr. Park: Did they pay their engineers if any of them moved their homes, do you know?

Mr. Young: Not that I know of.

Mr. Park: How do the engineers run between Junction City and Salina, is it a turn-around?

Mr. Young: They have a constructive mileage basis there which they work on. Turn-around from Junction City to Salina and return to Junction City.

Mr. Park: What do you get for that run?

Mr. Young: We get sixty miles for forty-seven miles, provided it is made in six hours or less.

Mr. Park: And if it takes a longer time than that, then what are you paid?

Mr. Young: If it is seven hours, or six hours and thirty minutes, we get seventy miles for one way.

Mr. Park: Do you think you are having more tie-ups since they have shortened the division than you had before?

Mr. Young: About the same, I think, during the heavy business, about the same time.

Mr. Park: That is during the fall rush?

Mr. Young: Yes, sir.

Mr. Park: Did I understand you to say that these red lights were displayed on facing point switches?

Mr. Young: No, sir

Mr. Park: They were on trailing point switches?

Mr. Young: Both of them.

Mr. Park: As soon as you saw the red light you knew they were on trailing point switches?

Mr. Young: Yes, sir.

Mr. Park: And you knew the locality, and that it would be impossible for your engine to be derailed at a trailing point switch?

Mr. Young: Yes, sir.

Mr. Park: Do you know of any investigation that the Interstate Commerce Commission has made of an accident on the Union Pacific?

Mr. Young: I do not.

Mr. Park: You do not have any personal knowledge of that?

Mr. Young: No, sir.

Mr. Park: Do you know of the Interstate Commerce Commission censuring any railroads for not taking any precautions to see that their men understood and obeyed the rules, by periodical checks?

Mr. Young: I have no direct knowledge of it, I don't believe.

Mr. Park: From your experience, do you think that the efficiency tests tend to keep the men on the alert?

Mr. Young: Well, I don't know whether it makes any difference or not, in particular.

Mr. Park: Do you think you have had any more accidents since the inauguration of the efficiency tests than before?

Mr. Young: I don't know.

Mr. Park: You don't know as to that?

Mr. Young: No, sir.

Mr. Park: Do you know whether these efficiency tests originated on the so-called Harriman Lines?

Mr. Young: I have heard that they originated on the Southern Pacific, but I am not sure of it.

Mr. Park: Do you know whether the Southern Pacific received last year the medal for having fewer accidents?

Mr. Young: I do not.

Mr. Park: You don't know anything about that?

Mr. Young: No, sir.

Mr. Park: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Mr. Young, do you know anything about any of the engineers on the Southern Pacific or Union Pacific receiving any medals for superior service?

Mr. Young: No, sir.

Mr. Stone: Is it not a fact that the roundhouse that Mr. Park spoke of was put in at Sharon Springs and not Salina?

Mr. Young: There was a roundhouse placed at both places.

Mr. Stone: A roundhouse placed at both places?

Mr. Young: Yes.

Mr. Stone: They cut the district of 164 miles, so you could handle the full tonnage?

Mr. Young: Yes, sir.

Mr. Stone: It was for the benefit of the men that this division was shortened up, was it?

Mr. Young: No, sir.

Mr. Park: How do you know that?

Mr. Young: Because we were just as many hours after we moved to the shorter division, as we were making the longer division.

Mr. Park: You thought that was the case, but you haven't the figures to show it.

Mr. Young: I haven't the figures to show it? When we tied up on this district, the same as we used to on the other district, of course I haven't the figures, but it would indicate to me that the idea was to move the tonnage over that district without being caused to tie up.

Mr. Park: The reason I asked that question was, because I personally asked the authorities to spend a million dollars to shorten those divisions, so that the men could get over the road inside of sixteen hours; and there was built, a very modern and up to date roundhouse at Salina, and coal chutes, and also at the two other terminals; and the terminals that had been previously used were abandoned; and further, if there were any engineers moved at that time from one locality to another, they were paid every dollar that their property had cost them.

Mr. Young: I never heard of anybody being paid for any property, or having asked for any pay for any property, at either place. It did not affect us on our district, because we live up there either at Ellis or Junction City, and now we live at either Salina, Ellis or Junction City, and either one of the places is a very fair place to live; there isn't much difference in the three places in living.

Mr. Park: You get along pretty well with your superintendents and officials there?

Mr. Young: Yes, sir.

Mr. Park: They commend you when you do good work?

Mr. Young: I never have had any so far.

Mr. Park: That is all.

Mr. Stone: In reply to Mr. Sheean, I understood you to admit to Mr. Sheean, that in making out rates for engineers in years past, we always recognized the matter of filling grease cups, cleaning headlights and so on, as a part of the work, and a

part of the compensation, in fixing the rate. Is that your idea of the way the rate was fixed in times past?

Mr. Young: Why, as I understand, it was a rate fixed to cover the whole of what we did, up to the last fixing of rates, when part of this work was taken from us. It was fixed again without it, and if it would be fixed again without this preparatory time, it would be another condition that would be that much added to it.

Mr. Stone: But, the fact remains that we have been trying to have this work taken off for years, have we not?

Mr. Young: Yes, sir, always.

Mr. Stone: And have not succeeded?

Mr. Young: Always, but never have succeeded, only a little each time, and sometimes not very much.

Mr. Stone: And is it not a fact that as the requirements of the service increase, and it becomes a little more strenuous, the men feel that the burden has got beyond the limit of human endurance?

Mr. Young: Yes, sir.

Mr. Stone: I think that is all.

Mr. Sheean: That is all.

(Witness excused.)

GILBERT HODGES was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Mr. Gilbert Hodges, an engineer on the Chicago, Milwaukee & St. Paul Railway, running between Minneapolis and Montevideo, a distance of 132 miles.

You are at present in the employ of the Milwaukee Company, Mr. Hodges?

Mr. Hodges: I didn't catch that.

Mr. Stone: You are at present in the employ of the Milwaukee Company?

Mr. Hodges: Yes, sir.

Mr. Stone: As a freight engineer?

Mr. Hodges: Yes, sir.

Mr. Stone: How long have you been in this class of service?

Mr. Hodges: Twelve years.

Mr. Stone: Are you a promoted man?

Mr. Hodges: Yes, sir.

Mr. Stone: What class of engine do you run?

Mr. Hodges: Mikado type, 26 by 30, 216,500 pounds on the drivers.

Mr. Stone: Have you noticed any material increase in your tonnage rating since 1910?

Mr. Hodges: Yes, sir.

Mr. Stone: About how much?

Mr. Hodges: It is a thousand tons to a train, that is, in and out of both terminals. We have a variance of tonnage on the division.

Mr. Stone: Do you remember what your rating was in 1910, westbound?

Mr. Hodges: 1,800 tons.

Mr. Stone: What is it now?

Mr. Hodges: 2,800.

Mr. Stone: What was your rating eastbound in 1910?

Mr. Hodges: 1,900.

Mr. Stone: What is it now?

Mr. Hodges: 2,900.

Mr. Stone: What has been the cause of this increased tonnage?

Mr. Hodges: The installation of larger power.

Mr. Stone: Have your hours of service on the road increased on account of handling this heavier tonnage?

Mr. Hodges: Not materially, a little, but not noticeably.

Mr. Stone: How do you account for there being no increase in the hours on the road?

Mr. Hodges: On account of the larger power making fewer trains, and a small decrease in business, and portions of the road being double-tracked in congested districts.

Mr. Stone: That avoids the delay of meeting trains in the congested territory?

Mr. Hodges: Yes, sir.

Mr. Stone: Do you consider that your responsibilities have been increased by the handling of heavier trains?

Mr. Hodges: Yes, sir.

Mr. Stone: In what way?

Mr. Hodges: Well, it takes a great deal more care and

judgment in handling a 3,000 ton train or a 2,900 ton train, than it did an 1,800 or 1,900 ton train, in order to keep the trains together, and to keep from damaging the equipment, draw bars and so forth.

Mr. Stone: Well, is it not a fact that it is becoming a big problem to keep these heavy tonnage trains together?

Mr. Hodges: Yes, sir.

Mr. Stone: I notice on all of our roads that many men are being disciplined in regard to breaking them in two. What, in your opinion, is the cause of these heavy trains breaking in two and stopping, especially with the air?

Mr. Hodges: You would have to go into a long detailed talk to explain that. They are caused, of course, by the excessive length of the train, for one thing, leaky train lines, for another; lots of times hurry-up movements that an engineer is compelled to make in order to get out of the way of some fast train, not giving him sufficient time to recharge.

Mr. Stone: Is there not another reason, don't you have different kinds of equipment?

Mr. Hodges: Oh, yes, that, to a certain extent.

Mr. Stone: You will probably have three or four kinds of triples in one train, will you not?

Mr. Hodges: Yes, two or three kinds, three kinds.

Mr. Stone: And that causes some of the trouble?

Mr. Hodges: Yes.

Mr. Stone: Is it not a fact that it is the general opinion of our men in road service that a whole lot of this breakage, and especially of draft rigging, has been done in the terminal yards before they started out?

Mr. Hodges: No question about that.

Mr. Stone: And when they get out on the road with these heavy trains, it will not stand the strain?

Mr. Hodges: Yes, sir.

Mr. Stone: Has the cost of living increased in your part of the country since 1910?

Mr. Hodges: Along the railroad where we eat, it has increased forty per cent, that is, forty cents a day; we pay ten cents more for each meal and ten cents more for a bed.

Mr. Stone: Is that at the same places where you used to eat?

Mr. Hodges: The same places, the only places where we can stop.

Mr. Stone: How about the home expenses?

Mr. Hodges: I couldn't really say how much they have increased in percentage, but I know they have increased.

Mr. Stone: Have you any helpers or pushers in mine run service on your road?

Mr. Hodges: Yes, we have helpers only, not any mine runs. Helpers and pushers.

Mr. Stone: What rate of pay is allowed for this service?

Mr. Hodges: Through freight rate, according to the classification of engine.

Mr. Stone: Have you any transfer service in your district?

Mr. Hodges: Yes, sir, between Minneapolis and St. Paul.

Mr. Stone: What rate of pay do you get in this transfer service?

Mr. Hodges: Switch engine rate, first class yard rate.

Mr. Stone: That is $4.25?

Mr. Hodges: Well, according to the classification of the engine. There are some engines in there that carry a little higher rate; there are some B-2's and B-3's, and K-1's that carry 25 cents higher.

Mr. Stone: Do you know any railroad that pays through freight rates for transfer service between Minneapolis and St Paul?

Mr. Hodges: I know the Great Northern, Northern Pacific and Soo Line.

Mr. Stone: They pay a through freight rate for the same class of service that you men are performing for the switching rate?

Mr. Hodges: Yes, sir.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Now, Mr. Hodges, in the case of rough handling of equipment in yards, there is not any particular difference in that respect between now and 1910, or is there? Do you think the yard work is getting rougher all the time?

Mr. Hodge: Well, I don't know as there is so much mate-

rial difference in it. The only difference I can see is that previous to 1910 the lighter cars were really being broken in two in the yard, and the heavier cars will develop a defect which shows on the road.

Mr. Sheean: In other words, in 1910, when they used the lighter car, the same kind of treatment that they are getting in the yards now on the heavier cars would put them out of commission entirely?

Mr. Hodges: Would put them out of commission entirely, no question about that.

Mr. Sheean: This increase in tonnage has also gone on hand in hand with the increase in the size of the cars, has it not?

Mr. Hodges: Well, not so very much on our division. We use quite a few 40,000 pound capacity cars in there yet.

Mr. Sheean: But, at the same time, there has been the increase in the locomotive, there has been a tendency, with the purchase of new equipment, I mean, to get larger and larger capacity cars?

Mr. Hodges: Oh, yes.

Mr. Sheean: So that with the increase in the size of the power, perhaps not running along at the same ratio all the time, the newer equipment for the handling of freight is put into larger units than it was before?

Mr. Hodges: Yes, sir.

Mr. Sheean: And that, I suppose, is marked to some extent, at least, on your division?

Mr. Hodges: Certainly.

Mr. Sheean: How long have you been employed by the Milwaukee Road?

Mr. Hodges: Nineteen years, twelve as an engineer.

Mr. Sheean: Twelve as an engineer?

Mr. Hodges: Yes, sir.

Mr. Sheean: And how long were you firing?

Mr. Hodges: About seven years.

Mr. Sheean: On this same division?

Mr. Hodges: On this same division.

Mr. Sheean: Were you employed by the company before you went to firing?

Mr. Hodges: No, sir.

Mr. Sheean: Never worked around the shops at all.

Mr. Hodges: Not with the Milwaukee.

Mr. Sheean: Had you, for some other railroad?

Mr. Hodges: I worked for the Canadian Pacific at West Farnham, in the shops.

Mr. Sheean: And then went to fire on the Milwaukee?

Mr. Hodges: On the Milwaukee.

Mr. Sheean: With the installation of this larger power on your division, there has not been any noticeable increase in the length of time on the road?

Mr. Hodges: No, not that is really noticeable, no.

Mr. Sheean: There has been a heavier loading with the heavier power?

Mr. Hodges: Yes, sir.

Mr. Sheean: Have you ever run on this transfer between St. Paul and Minneapolis?

Mr. Hodges: One day was all, quite a little while ago. I was on that day.

Mr. Sheean: The Milwaukee has one yard at Minneapolis and another yard at St. Paul?

Mr. Hodges: Yes.

Mr. Sheean: And this is taking the transfer work, so far as that road is concerned, from one yard to the other?

Mr. Hodges: From one yard to the other. It is a place, going west bound, where the trains are reduced on account of the hills. This transfer picks up some of these cars and takes them with it.

Mr. Sheean: Over to another yard, and they are assembled there?

Mr. Hodges: To Minneapolis, yes, sir.

Mr. Sheean: Well, is either one of these yards right in the city of Minneapolis or St. Paul?

Mr. Hodges: They use the main line outside of the yard limits, 8.3 miles.

Mr. Sheean: Outside of the yard limits?

Mr. Hodges: Outside of the yard limits, yes, sir; after they leave the yard limits they go 8.3 miles before they get into another yard limit.

Mr. Sheean: Then, as to where they shall leave this transfer in either one of these yards is determined after they get into the yard, by the yardmaster there?

Mr. Hodges: Yes, sir.

Mr. Sheean: And the yard crews in the different yards sometimes transfer from one over to the other?

Mr. Hodges: I don't exactly understand you.

Mr. Sheean: Do they have crews assigned particularly to the transfer work?

Mr. Hodges: The crews are in transfer work all the time, except in cases of emergency, and then they will use a yard crew.

Mr. Sheean: Where is the helper and pusher service?

Mr. Hodges: Between Farmington and Cologne, Minnesota.

Mr. Sheean: What is the distance?

Mr. Hodges: Thirty-seven miles.

Mr. Sheean: How many helpers are used on that district?

Mr. Hodges: Two.

Mr. Sheean: Have you worked on a helper?

Mr. Hodges: I have, only for a trip or two. I have even had them double-head me.

Mr. Sheean: That has been maintained there for quite a long time?

Mr. Hodges: Since 1910, when they built what they call the cut-off; 1909, was really when they started.

Mr. Sheean: This helper, or pusher service, do they run into miles there, or are they paid a mileage rate?

Mr. Hodges: In the fall of the year, for two or three months, when the stock season is on, they run into miles; the rest of the time it is hours.

Mr. Sheean: In case they should, through any busy season, make more than 100 actual miles in the pusher service, they are paid their miles?

Mr. Hodges: The same as a road engine.

Mr. Sheean: But, ordinarily, they are on a strictly hourly basis and are paid ten hours each day?

Mr. Hodges: Yes, sir.

Mr. Sheean: And I suppose they do not find continuous work during the ten hours there?

Mr. Hodges: Not in the slack season, no.

Mr. Sheean: Running down to about how low in the slack season?

Mr. Hodges: In the slack season they will possibly double

two trains, which will bring them up around seven or eight hours.

Mr. Sheean: And if at any time they were called upon and do actually make more than 100 miles, then they are paid for the actual miles?

Mr. Hodges: If the miles exceed the hours.

Mr. Sheean: The hotel accommodations and meals and bed that you speak of, are those railroad eating houses?

Mr. Hodges: Just one spot, at Montevideo. I don't know as I should say they are railroad; they are the Interstate News Agency. I understand they have contracts for eating houses on a good many railroads; I have heard, thirty-seven; I don't know whether there is any truth in it or not.

Mr. Sheean: But the others you speak of are—

Mr. Hodges: Private hotels.

Mr. Sheean: Private hotels, and uniformly where the charge in 1910 was 25 cents for a meal and 25 cents for a bed it is now made 35 cents?

Mr. Hodges: Yes, sir.

Mr. Sheean: At all those places?

Mr. Hodges: At all those places.

Mr. Sheean: About when was that change made?

Mr. Hodges: Well, sir, it was made soon after we got the raise in 1910. To tell you, to be a little comical, if you will allow me to, we thought when we left, that we had got something, and when we got up at Montevideo at night we found we had not got anything, because Farmington raised ten cents and both hotels at Glencoe, and the Glenn House, the only place at Montevideo where we can practically sleep, they put on ten cents a meal and ten cents for a bed, and we could not find the forty cents when we got back in, which we got in 1910. That is why I remember when they raised it.

Mr. Sheean: The increase in 1910, then, was not in anticipation of this forty cent raise, or based on the increased cost of living?

Mr. Hodges: No, I don't think so. I think if it had we would have had to double it.

Mr. Sheean: The change was made, then, early in the year 1911, as you remember it?

Mr. Hodges: Yes, sir, early in the year 1911.

Mr. Sheean: You do not remember any change in these rates from 25 cents to 35 cents prior to December, 1910?

Mr. Hodges: I do not, no.

Mr. Sheean: At least, not in your neighborhood there, on that part of the line?

Mr. Hodges: They have tacked on five cents more at Glencoe since the European war, but I suppose that is on account of the war there.

Mr. Stone: War tax.

Mr. Hodges: War tax.

Mr. Sheean: On that run between Minneapolis and Montevideo, the run that you are on now, about what are the average hours which you make there?

Mr. Hodges: The average hours run, about—I have got it here if you wish it. (Referring to paper.) They run a little different, about eleven hours and fifteen minutes, in January last. Eleven hours and fifty-five minutes in February. Eleven hours and ten minutes in March. Eleven hours and nine minutes in April. May, I was left off some and only made sixteen trips; they averaged nine hours and ten minutes in May. June, eleven hours and twenty-five minutes. July, eleven hours and fifteen minutes. August, most of the time on passenger. September, ten hours and ten minutes. October, eleven hours and fifteen minutes.

Mr. Sheean: And that is a distance of what?

Mr. Hodges: 132 miles.

Mr. Sheean: And those are fairly representative of about the time that is taken on that run?

Mr. Hodges: That is the average.

Mr. Sheean: The average through the month?

Mr. Hodges: Yes, sir. We have a time freight run that is always short hours, and the drag freight is longer.

Mr. Sheean: Have you included the time freight in that average?

Mr. Hodges: I took the entire hours on duty and divided it by the number of trips.

Mr. Sheean: And you, in that particular pool there, take time freights?

Mr. Hodges: Yes, sir.

Mr. Sheean: And the drags?

Mr. Hodges: Yes, sir.

Mr. Sheean: They are all pooled?

Mr. Hodges: Yes, sir.

Mr. Sheean: So that this is the average of all the runs that you made during the month?

Mr. Hodges: Yes, sir. We have one time freight of seven hours and fifteen minutes, and a heavy drag run, what they call 65, out of there, which always gets up pretty close to sixteen hours, and I took them all and divided it.

Mr. Sheean: On the computation of the time there, the average time is something less than twelve hours?

Mr. Hodges: Yes, sir.

Mr. Sheean: And the pay is something over thirteen times the hourly rate on that particular run?

Mr. Hodges: 132 miles.

Mr. Sheean: I think that is all.

Mr. Stone: If business conditions were normal on your division, would you be able to get over the road in the number of hours that you are getting over it now?

Mr. Hodges: No, we would be longer. In 1912, when we had some work trains, it would bring about the conditions you possibly speak of; we were delayed on account of meeting those. We very often got up against the Sixteen-Hour Law.

(Witness excused.)

ROBERT HART was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer Robert Hart, of the Chicago & North Western Railway, between Belle Plaine and Mason City, a distance of 108 miles.

You are at present in the employ of the North Western Railway?

Mr. Hart: Yes, sir.

Mr. Stone: How long have you been an engineer?

Mr. Hart: About sixteen years.

Mr. Stone: In what service are you now?

Mr. Hart: Running a freight engine, round service.

Mr. Stone: And what class of engine do you run?

Mr. Hart: At present I am running what is known with us

as the class R-1 engine, 21 by 26 inch cylinders, 200 pounds steam saturated.

Mr. Stone: How much weight on drivers?

Mr. Hart: 30,500 pounds.

Mr. Stone: That is the tractive power. How much weight on drivers?

Mr. Hart: I will make sure that that is correct (Referring to paper), 126,000 pounds.

Mr. Stone: 126,000 pounds on drivers. Are there any mine runs on your district?

Mr. Hart: Yes, sir.

Mr. Stone: Have you ever worked in the mine run service on your district?

Mr. Hart: Yes, sir.

Mr. Stone: What is the nature of the work in those mine runs. I wish you would explain it to the Board, if you will, please?

Mr. Hart: I served a part of last month in this particular mine run service, on one of those particular runs, and I will give you my own experience in doing this work. Those mines are located at the southern end of our division, at a place called Miami. The mining camp is located at a place called Buxton. This mining camp is a mile from Miami, where our roundhouse is located. In the evening, when I was on the job,—I was working nights—I left Miami, after getting my engine ready, and went to Buxton, a distance of one mile.

Mr. Stone: What time did you leave Miami?

Mr. Park: Left Miami at 6:15. At Buxton I picked up those night miners and proceeded to number 18 mine, a distance of 16 miles from Buxton and 17 miles from my starting point. On arriving at the mine I put the mine coaches away, turned the engine on the "Y" and got hold of a coal train. This coal train was an accumulation from the mine, and on this particular night, consisted of twenty-four cars of coal. I coupled up the air hose and tried the air, pulled out on the main line, and the crew dropped the caboose onto the rear end of the train, and I left. I was at the mine from 7:15 to 7:35. I proceeded with those twenty-four cars of coal about seven miles from there, to a place called Laehart siding. The country right there is practically level, but at Laehart Siding you are at the bottom of a

steep grade. It is necessary to double with this number of cars from Laehart Siding to Miami, the end of my journey. So, I put the head end of the train on the side track at Laehart, and took the rear end on to Miami; put them away and went back to Laehart and got the cars that I left there and proceeded to Miami and put them away; got coal and water and turned on the "Y" and had an hour for supper. After the supper hour we got a train of mine empties, got ready and went back to the mine.

Mr. Stone: The same mine, No. 18 again?

Mr. Hart: Same mine. Placed them on the proper track to be used at the mine, turned out engine again, got those miners' coaches and left with those miners at 4:15 in the morning for Buxton; disposed of those miners at the camp at Buxton at 4:55 and retraced our steps this mile to Miami and wound up the day.

Mr. Stone: Wound up the night, rather?

Mr. Hart: Wound up the night.

Mr. Stone: Are there any other crews engaged in this class of service at this point?

Mr. Hart: There are two more crews.

Mr. Stone: Is their work practically the same as yours, or a little different?

Mr. Hart: There is one crew that is doing this work, days, practically on the same territory. The other crew does practically the same work, but travels in the other direction from Miami, taking care of private mines.

Mr. Stone: Are these movements out of Miami made under train orders from the train despatcher?

Mr. Hart: Those passenger movements are made under a time card schedule, and those freight movements are all made under the train despatchers' orders.

Mr. Stone: What rate of pay do you receive for this service, on the North Western?

Mr. Hart: We receive for doing this service—for handling those passenger trains, we receive standard passenger rates for whatever class of engine we have on there. For making those freight movements, we received second class yard rates for all of them.

Mr. Stone: That would be forty cents an hour?

Mr. Hart: Forty cents an hour.

Mr. Stone: Then, for the night's work, you are paid thirty-four miles for the passenger movements, and the rest of the night you work at an hourly rate of forty cents?

Mr. Hart: Night or day, whatever it may be, we work the balance of the time at forty cents an hour.

Mr. Stone: That is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Mr. Hart, you did not give just what time you were released—you came back on that second trip—I think you left the mines at 4:30 with the miners.

Mr. Hart: 4:15 and deposited the miners in their camp at 4:55, and we left the camp on the schedule of a first class passenger train and proceeded to Miami at 5:05, and we are through for the morning.

Mr. Sheean: At 5:05?

Mr. Hart: 5:05 in the morning.

Mr. Sheean: That work, now, is continuous from 6:15 in the evening until 5:05 the next morning?

Mr. Hart: Yes.

Mr. Sheean: Under the proposal here you would be automatically released and the day ended, in through freight service, at your lunch hour there, wouldn't you—when you get back at about midnight, for your supper, under the proposal now made—or, are you familiar with the proposal that has been submitted here?

Mr. Hart: Not the way you have explained it.

Mr. Sheean: What is it?

Mr. Hart: Not the way you explain it, no.

Mr. Sheean: Well, you arrived at your home terminal, where you dined that night, didn't you?

Mr. Hart: Yes.

Mr. Sheean: Well, trains arriving at their terminals, the end of their run, are automatically released, aren't they?

Mr. Hart: Under all circumstances?

Mr. Sheean: Under this proposal that is submitted here.

Mr. Hart: Is there any proposal submitted here that you automatically release a man after he has four hours on duty?

Mr. Sheean: Oh, yes; two hours on duty—ten hours or less on duty, arriving at home terminal, he is automatically re-

leased, as proposed. There is no exception, now, in the proposal, on mine runs.

Mr. Hart: On this particular instance of ours, we are not automatically released, under the present methods that we are working under now.

Mr. Sheean: No, I know you are not. Perhaps I did not make myself clear. My questions were intended to cover the submission of the Brotherhood of Locoomtive Engineers.

Mr. Hart: Requests.

Mr. Sheean: Their requests for an automatic release rule, which applied to mine runs, and I wanted to know whether or not it was your understanding that if the automatic release rule was applied on this run which you have described here, the day would end at the time that you take your supper, and a new day begin, in case you started out again?

Mr. Hart: No, sir.

Mr. Sheean: It is not your understanding?

Mr. Hart: It is not my interpretation of the article.

Mr. Sheean: Well, did you intend it to apply to mine runs at all?

Mr. Hart: The article?

Mr. Sheean: Yes, the automatic release.

Mr. Hart: In the mine run service that we have just now, the imposition of long hours with us is not under controversy.

Mr. Sheean: What is it?

Mr. Hart: With us, just now, in mine run service, the imposition of long hours is not in the controversy.

Mr. Sheean: It is simply the rate that should be applied to it?

Mr. Hart: Simply the fact that where we are going out there and doing this work, just the same as any other through freight man, or way freight man, rather,—way freight man, that is the idea—and when his day's work is done we consider that we should have more than 40 cents an hour for doing this piece of labor, which, under the other circumstances, is paid for at the way freight pay.

Mr. Sheean: Well, there is no particular claim or insistance then on the mine run that you are familiar with, that there should be an automatic release every time the crew got back to the terminal?

Mr. Hart: We are not asking to be relieved at this supper hour.

Mr. Sheean: When you arrive at your terminal, that your day should not be through—it was not your intention to ask for that here?

Mr. Hart: We arrive at this terminal three or four times a day.

Mr. Sheean: And you are not expecting to get three or four days for it, simply because you do arrive at the terminal?

Mr. Hart: That is not my mission here, at all.

Mr. Sheean: So that on a mine run which went into and out of a terminal a good many times during the day, you do not think there ought to be any rule—

Mr. Hart: If he was moving in the one direction.

Mr. Sheean: What is it?

Mr. Hart: If he is still moving in the one direction.

Mr. Sheean: Suppose business fell off with those mines at Miami, that you speak of, so you went out and made this first trip out in the direction you speak of, and then, after your lunch at midnight, you went out to another mine in the other direction, from Miami, do you think you ought to have two days for that?

Mr. Hart: No, I did not.

Mr. Sheean: Then, what did you mean by going out in the same direction from the terminal?

Mr. Hart: I might work in this south direction and make these thirty-four miles and the day would be pretty well spent, and about the time the day or night was pretty well spent, I might head out in the other direction, and be compelled to work out the balance of the sixteen hours in that direction. That would not be consistent, with me.

Mr. Sheean: I am simply trying to ascertain, Mr. Hart, whether it is not the fact that just what should or should not be done on any of these mine runs, is entirely dependent upon the local situation there, how far the mines are from where the engines are, how many mines there are, what the output of those mines may be, and what the work in the particular place may be?

Mr. Hart: It depends somewhat on the situation.

Mr. Sheean: It depends entirely upon that.

Mr. Hart: It depends somewhat on the situation.

Mr. Sheean: You are describing simply the situation at Miami?

Mr. Hart: Yes.

Mr. Sheean: As it exists there now?

Mr. Hart: Yes.

Mr. Sheean: These are coal mines?

Mr. Hart: Coal mines.

Mr. Sheean: Have you ever had any experience at all in lead or zinc mines?

Mr. Hart: I don't know anything about any other mines than just these coal mines.

Mr. Sheean: Just these particular mines?

Mr. Hart: I don't know anything about any other railroad company except the North Western system.

Mr. Sheean: Have you worked on the North Western at any time when there were any other mine runs than the series of runs you have described here?

Mr. Hart: A good many years ago I spent two summers in the ore regions as a fireman, where there were mine runs handled, but it is so long ago I could not tell you anything about it. It is 24 years ago since I have been there.

Mr. Sheean: I think that is all, Mr. Hart.

Mr. Stone: That is all.

The Chairman: Call your next witness.

Mr. Stone: Mr. Lindquist.

C. E. LINDQUIST was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Mr. C. E. Lindquist, an engineer of the St. Louis Terminal Railroad Association of St. Louis. (Addressing the witness.) At the present time, Mr. Lindquist, you are in the employ of the Terminal Railroad Association of St. Louis as an engineer?

Mr. Lindquist: Yes, sir.

Mr. Stone: In what class of service?

Mr. Lindquist: Yard switching service.

Mr. Stone: How long have you been in this service?

Mr. Lindquist: I have been an engineer for this company

sixteen years. I have been in the switching service about five years.

Mr. Stone: What class of engine do you run?

Mr. Lindquist: We have three classes of engines that we use in that particular run that I have got. My regular engine is now in the shop. She weighs 138,000 pounds. The engine I have got now, I believe, weighs 143,100 pounds.

Mr. Stone: What is the character of your work in switching in this yard?

Mr. Lindquist: I am assigned to what is known as the north end of the Bremen Avenue yard. We make up and break up trains, and if we run out of work before night or any time during the day, we make a trip on transfer.

Mr. Stone: About how many hours a day do you work?

Mr. Lindquist: Twelve.

Mr. Stone: What time do you report for work?

Mr. Lindquist: Five forty-five in the morning.

Mr. Stone: What time are you required to start work?

Mr. Lindquist: Six o'clock.

Mr. Stone: Are you called or do you call yourselves?

Mr. Lindquist: Call ourselves.

Mr. Stone: What time do you get up?

Mr. Lindquist: I get up about a quarter to five—4:45.

Mr. Stone: You say you are required to report at 5:45 and go to work at 6:00?

Mr. Lindquist: Yes, sir.

Mr. Stone: What time does your pay begin?

Mr. Lindquist: Six o'clock.

Mr. Stone: Do you get any pay for the fifteen minutes between 5:45 and 6:00 o'clock?

Mr. Lindquist: No, sir.

Mr. Stone: What are you required to do in that fifteen minutes?

Mr. Lindquist: Our jobs are relief jobs, and we have a certain district where we work out of, and we are supposed to consult a list that is prepared to tell you where your engine is and then to walk a certain distance to get your engine. That distance is south about a mile and north almost the same distance, and if the engine is within those points, we are supposed to be on it at 6 o'clock.

Mr. Stone: That means, after you report on the railroad property, that you are supposed to use that fifteen minutes in locating your engine?

Mr. Lindquist: Yes, sir.

Mr. Stone: And probably necessary to walk a mile in one direction or the other?

Mr. Lindquist: Yes, sir.

Mr. Stone: Down through the yards.

Mr. Lindquist: Yes, sir.

Mr. Stone: Isn't that a dangerous practice, walking down through a yard, locating an engine, at night?

Mr. Lindquist: It is.

Mr. Stone: What rate of pay do you receive for this?

Mr. Lindquist: 45 cents per hour.

Mr. Stone: When did you last have an increase of pay?

Mr. Lindquist: January 1, 1911.

Mr. Stone: Have you any service on your road known as a transfer service?

Mr. Lindquist: Yes, sir, we have some thirty-six of those runs, day and night; that is, I believe it is, double crews.

Mr. Stone: What rate of pay do those engineers receive?

Mr. Lindquist: 45 cents per hour.

Mr. Stone: Then the road pays the engineer the same rate of pay in switching as in transfer service?

Mr. Lindquist: Yes, sir.

Mr. Stone: I wish you would describe one of these transfer runs for the Board, if you will?

Mr. Lindquist: Well, I will take the Madison-Dupo run. We assemble a train from two or more tracks in the Madison yards, charge the train, pump the air, test the brakes, and then start for Dupo, a distance of about twelve miles, and sometimes set out cars for different connections between those points. Getting to Dupo we set out our train, pick up another train and come back. About that time it is lunch time, we go to lunch and, in the afternoon, make a similar trip; and if we get back before six o'clock, or the time of our relief, we possibly make another short trip of some kind, to utilize the full twelve hours.

Mr. Stone: Do you know of any instance where engineers have worked more than twelve hours on these transfer runs?

Mr. Lindquist: Oh, yes.

Mr. Stone: Do you know of any case where an engineer has been released in less than ten hours?

Mr. Lindquist: Not unless the engine broke down, and they do not have an engine to give you in its place. I know, in a case of that kind, they hold you, if some man calls for relief, where they will put you in his place. I do not remember myself being released within ten hours.

Mr. Stone: I understood you to say you were in the switching service?

Mr. Lindquist: Yes, sir.

Mr. Stone: If one of these transfer runs was open and your seniority entitled you to the run, would you take it?

Mr. Lindquist: No, sir. My seniority entitles me to a transfer run now, if I want it.

Mr. Stone: Why do you not want a transfer run?

Mr. Lindquist: Well, the increased responsibility and the conditions that are connected with the transfer runs make them harder runs, poorer runs, worse runs.

Mr. Stone: More likelihood for a man to get in trouble on a transfer run?

Mr. Lindquist: Oh, yes. W have heavier trains to haul on those transfer runs; hills to go up and down, interlocking plants to go through, crossings to stop for and various other unsatisfactory conditions that are not connected with the switching job.

Mr. Stone: You have a tunnel you pull through on some of your trips, haven't you?

Mr. Lindquist: Yes, sir.

Mr. Stone: What is the length of that tunnel?

Mr. Lindquist: Well, I don't know the exact length in feet, but I should say between a quarter and a half a mile, nearer half a mile, I should judge, than anything else.

Mr. Stone: In making these transfer runs, a great many of them go through that, do they not?

Mr. Lindquist: Yes, sir.

Mr. Stone: And that is a main line movement, with a great many passenger trains to contend with.

Mr. Lindquist: Yes, sir.

Mr. Stone: About how many passenger trains a day come in over that piece of track, do you know?

Mr. Lindquist: Well, I don't know just exactly. We have

a time card from the east and west, and I think there is something over three hundred passenger trains that come into the Union Station, which all go over the terminal, either one way or the other.

Mr. Stone: And the man in making these transfer runs, has these trains to look out for, and contend with?

Mr. Lindquist: Yes, sir.

Mr. Stone: Have you noticed any increase in the cost of living in your part of the country?

Mr. Lindquist: Well, I notice an increase, yes; but just how much I am not in a position to say. I have noticed the grocery bills are higher.

Mr. Stone: Living expenses in general you find are higher?

Mr. Lindquist: Yes, sir.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Mr. Lindquist, have you had any railroad experience except with this terminal company?

Mr. Lindquist: No, sir.

Mr. Sheean: And you have been an engineer with them for sixteen years?

Mr. Lindquist: Yes, sir.

Mr. Sheean: You did your firing there?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And your first employment by them was as a fireman?

Mr. Lindquist: Yes, sir.

Mr. Sheean: Now, the wages of the engineers on this Terminal Railroad Association are on an hourly basis?

Mr. Lindquist: Yes, sir.

Mr. Sheean: All engineers are on an hourly basis?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And in these twelve hours you speak of, from six in the morning until six in the evening, in case you are not given relief for lunch previous to one minute after twelve, they then pay continuous time, do they not, and give you half an hour for your lunch?

Mr. Lindquist: They pay us continuous time, whether we get lunch before twelve or not, provided we get it in the field,

If we are sent to the roundhouse or any point where a hostler takes the engine and relieves us prior to 12 o'clock, we deduct thirty minutes.

Mr. Sheean: In case you are actually relieved of all responsibility for the engine, and that is done before one minute after twelve, the company then only pays you eleven hours and thirty minutes?

Mr. Lindquist: Yes, sir.

Mr. Sheean: But in case it runs one minute after twelve?

Mr. Lindquist: We get straight time.

Mr. Sheean: You are paid the straight time, from six to six?

Mr. Lindquist: Yes, sir.

Mr. Sheean: You are paid twelve forty-five cents each day?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And do you work the six or seven days a week?

Mr. Lindquist: Well, my run works seven days a week, but I usually lay off on Sundays.

Mr. Sheean: And do the same number of crews work there on Sundays as week days?

Mr. Lindquist: Well, not quite. They work a little lighter force on Sundays than on week days in periods of light business, such as it is now; but during periods of normal heavy business they work usually as many on Sundays as other days.

Mr. Sheean: What is the mileage of this Terminal Railroad Association?

Mr. Lindquist: Well, they have so many different branches and belts that I don't know that anybody really knows the mileage, unless it is the civil engineer.

Mr. Sheean: Well, what is the longest of these through freight runs which you make on their rails at any time?

Mr. Lindquist: This Dupo run is a long run; it is about twelve miles. They have another one from Bremen avenue out to the Central Belt, that possibly is about nine miles, I should judge.

Mr. Sheean: As a matter of fact on one of those nine mile runs in that transfer service it sometimes takes more than the

ten hours to make a single one of those runs, does it not, out and back?

Mr. Lindquist: Well, that is according to what conditions you make it under.

Mr. Sheean: That is what I mean, the conditions in the terminal there may be such, with the yardmaster letting a transfer crew go out for a total run of twelve miles, that that crew will not get back in ten or twelve hours?

Mr. Lindquist: You mean a single trip?

Mr. Sheean: Yes.

Mr. Lindquist: Not unless there is a derailment, or they hold him some place for switch service, or there is a wreck ahead of him, I don't know that it would.

Mr. Sheean: How long does it ordinarily take there in St. Louis to make this longest transfer trip, this twelve mile trip?

Mr. Lindquist: I think the time is about an hour and thirty minutes each way, schedule time. We have a schedule there of fifteen miles per hour out on the main line, with freight trains.

Mr. Sheean: Well, in doing it in an hour and a half, I assume you can get over all cross-overs, and not in anybody's way at all?

Mr. Lindquist: Yes, and make all crossing stops.

Mr. Sheean: The length of time that a crew is out on any transfer job depends almost entirely on the conditions that he encounters on the way?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And those vary, of course, very greatly in a place like St. Louis?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And this Terminal Railroad Association is an association which switches between the different railroads there?

Mr. Lindquist: Yes, sir.

Mr. Sheean: Practically a transfer line?

Mr. Lindquist: Yes, sir.

Mr. Sheean: Relieving, so far as it can, the congestion which arises from different roads centering there?

Mr. Lindquist: Yes, sir.

Mr. Sheean: The longest run that you would have in transfer service there is about twelve miles long?

Mr. Lindquist: The longest individual run, yes, sir.

Mr. Sheean: As to whether or not it is possible to so assign these transfer runs that may take an hour and a half to two hours, so as to keep one continuously in that service throughout all the day or for any particular number of hours, is a problem which shifts with the changes of traffic, is it not?

Mr. Lindquist: Well, I should say it would be, yes.

Mr. Sheean: You, in your own work, at times make a transfer or a couple of transfer runs a day, in case you clean up your yard switching?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And that is the way this switching association has at all times operated through the sixteen years there, is it not?

Mr. Lindquist: Yes, sir. We have, understand, now, regular crews assigned to yard runs and regular crews assigned to transfer runs.

Mr. Sheean: But in the actual performance of that work you are assigned to the yard work?

Mr. Lindquist: Yes.

Mr. Sheean: And fill out in the transfer work, in case you clean up your yard?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And crews assigned to the transfer work, if they get through with the transfer work and you need their assistance in the yard, go in and assist in the switching?

Mr. Lindquist: Yes, sir.

Mr. Sheean: The whole payment there in this association being now and at all times on an hourly basis?

Mr. Lindquist: Yes, sir.

Mr. Sheean: Now, on these transfer runs do you think it is feasible at all to have any automatic rules applicable to transfer service, so that a man gets a day whenever he gets back to his terminal from one of these runs?

Mr. Lindquist: The automatic rule ought to be as it is; it is 6 o'clock, if you get in, but you don't always get in at 6 o'clock.

Mr. Sheean: Then the automatic rule applicable to this

kind of service is fixing an hour to go to work and an hour to quit?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And paying him for the number of hours he works?

Mr. Lindquist: Yes.

Mr. Sheean: And that is about the only fair and feasible way to pay for this kind of work?

Mr. Lindquist: Yes, sir.

Mr. Sheean: To pay him from the time he comes to work until he is released?

Mr. Lindquist: Yes, sir.

Mr. Sheean: On an hourly basis?

Mr. Lindquist: Yes, sir.

RE-DIRECT EXAMINATION.

Mr. Stone: Do you know any other class of service that donates any of their time in order to get ready to do a good day's work?

Mr. Lindquist: No, sir, I do not.

Mr. Stone: These crews that handle these 300 passenger trains in and out over the Terminal, are they handled by transfer men or by the different roads?

Mr. Lindquist: Some of them are handled by the transfer men and some of them are handled by the different roads.

Mr. Stone: The fact remains that the man who handles them has just the same responsibility as the passenger engineer who comes in on one of the other runs and who handles his own train to the depot, hasn't he?

Mr. Lindquist: Yes, identically.

Mr. Stone: That is, they come in and couple onto one of those fast passenger trains and take it into the Terminal station or out of the Terminal station and deliver it to one of the many lines using the Terminal tracks?

Mr. Lindquist: Yes.

Mr. Stone: And then you will probably handle a string of freight cars the next movement?

Mr. Lindquist: Yes, sir.

Mr. Stone: And then perhaps another passenger train again?

Mr. Lindquist: Yes, sir.

Mr. Stone: So there is a distinct difference in the work, between transfer work and the regular assigned switch work of the Terminal?

Mr. Lindquist: Yes, sir.

Mr. Stone: I think that is all.

Mr. Sheean: Still, Mr. Lindquist, when you are handling any of those passenger trains on this 45 cent rate you are getting a higher rate than the passenger engineer does when he is handling the train. His is a $4.25 rate, is it not?

Mr. Lindquist: The passenger man?

Mr. Sheean: Yes.

Mr. Lindquist: Usually $4.40, I think, in that section of the country.

Mr. Sheean: Well, if it is $4.40, it is still less than the $4.50 or the $4.45 you are getting?

Mr. Lindquist: Yes.

Mr. Sheean: It is not a feasible and a practicable operation, the way this Terminal Association has been operated, to try and adjust the shifting rates as between handling a passenger train part of the day and handling a freight train or part of a freight train another part of the day?

Mr. Lindquist: It could be so arranged that there would be a differential between transfer and yard work and have certain kinds of crews assigned to yard work and certain kinds of crews assigned to transfer work. They do have it that way as far as they can practically make it, and the instructions are that certain crews shall be assigned and kept on transfer work and certain crews shall be assigned and kept on yard work and the preferable runs to the greatest extent are the yard runs.

Mr. Sheean: But in that differentiation, as far as they can make it so, as I understand you, in actual practice the one supplements the other; that is, if you finish your switching and there is no more work in your yard you can go out on a short transfer?

Mr. Lindquist: Yes, sir.

Mr. Sheean: And if the transfer man conpletes the transfer work there is for that day, and there is work for him to do in the yard, he will assist in the work in the yard?

Mr. Lindquist: He does occasionally.

Mr. Stone: That is the exception, though, and not the rule, is it not?

Mr. Lindquist: That is the exception and not the rule.

Mr. Stone: In regard to this passenger man, is it not true that the passenger man is a piece worker, working at 4.41 cents per mile?

Mr. Lindquist: Yes, sir.

Mr. Stone: Is it not also true that when he goes out on his limited train he will probably reel off fifty or sixty of those per hour instead of the 45 cent rate you are getting?

Mr. Lindquist: Yes, sir.

Mr. Stone: There would not be any trouble in applying the freight rate to the transfer run, would there?

Mr. Lindquist: Not at all.

Mr. Stone: That is all.

Mr. Nagel: You spoke of the fact that in the morning you have to give fifteen minutes or more, or walk a mile north or south, to find your engine.

Mr. Lindquist: Yes, sir.

Mr. Nagel: You stated that that involved some risk?

Mr. Lindquist: Yes, sir.

Mr. Nagel: Is there any practical way of meeting that situation?

Mr. Lindquist: Yes, sir, the practical way would be that we report at 6 o'clock and wait until our engines come to that designated point.

Mr. Nagel: Who would take them there?

Mr. Lindquist: The man that we relieved could bring the engine there.

Mr. Nagel: Why isn't that done?

Mr. Lindquist: Well, that is a rule of the company's; we have designated a certain zone as a relief zone. We have different relief zones all over the system.

Some men work out of St. Louis and relieve there; some men work out of Bremen and relieve there; and some men work out of Grand Avenue yard and relieve there; and some men work out of Second Street; some out of Madison yard and some in East St. Louis. Those are the relief zones, and you have a certain district to get your engine if she is within that zone, and you must be on duty at 6 o'clock.

Mr. Nagel: And when you report you are told where your engine is within that zone?

Mr. Lindquist: You find out where she is. Now, the engines that work out of, or those men that report at Eleventh Street, or Fourteenth Street, must report even earlier than that.

The caboose run leaves there at 5:18, and they must be down there in time to get the caboose run, which takes the men all around the system.

Mr. Nagel: That is all.

(Witness excused.)

E. L. GANNON was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer E. L. Gannon of the Chicago, Burlington & Quincy Railroad, Chicago terminal.

What class of service are you in?

Mr. Gannon: Transfer service at the present time.

Mr. Stone: How long have you been in this service?

Mr. Gannon: Thirteen years, transfer and switch service.

Mr. Stone: What class of engine are you running at the present time?

Mr. Gannon: G-3.

Mr. Stone: What is the weight on drivers?

Mr. Gannon: 122,500.

Mr. Stone: What rate of pay do you receive?

Mr. Gannon: $4.25 for ten hours, the switching rate.

Mr. Stone: At what time does your day's work begin?

Mr. Gannon: Usually at 6:15 A. M.

Mr. Stone: I wish you would describe your day's work for the benefit of the Board, if you will?

Mr. Gannon: We leave the roundhouse in the morning at 6:15 A. M. and go to Hawthorne. Couple onto a train assigned to the Lake Shore Transfer, pump up the air and are ready to leave.

Mr. Stone: What is the distance to Hawthorne?

Mr. Gannon: About three miles.

Mr. Stone: Where do you get your engine in the morning?

Mr. Gannon: Roundhouse, Western Avenue.

Mr. Stone: Now, you are ready to leave Hawthorne; where do you go?

Mr. Gannon: To 63rd Street and the Lake Shore yard, a distance of about eleven miles.

Mr. Stone: That is about eleven miles from Western Avenue; it is only about seven and a half miles from Hawthorne, is it not, seven and a half or eight miles?

Mr. Gannon: It is about five miles from Hawthorne to Canal Street, and I guess it figures about six miles from Canal and 16th streets to 63rd street and the Lake Shore yard.

Mr. Stone: All right. You go to the Lake Shore yard?

Mr. Gannon: Yes, sir.

Mr. Stone: What is your first movement when you arrive there?

Mr. Gannon: When we arrive at 63rd and the Lake Shore yard we run around this train, push it into the Lake Shore yard. Then we go to another track there and couple up. Sometimes eat dinner, and after we eat dinner, take the train back to Hawthorne, westbound. Then we run around our train there, couple onto the caboose, go to another track, couple up, go to another one, and take it over to the eastbound yard, a distance of about a mile; I should judge, about a mile.

Mr. Stone: Then what do you do?

Mr. Gannon: Then we take water, generally get another car of perishable or two, start back to the Lake Shore again, 63rd street or some other foreign yard, Ft. Wayne, stock yards, or sometimes to the I. C., the Illinois Central.

Mr. Stone: Then you return back to the Western Avenue yard again?

Mr. Gannon: Yes, sir, and place the way car on the caboose track and take the engine to the roundhouse and report defects and engine inspection.

Mr. Stone: About how many cars do you haul to the Lake Shore transfer on an average?

Mr. Gannon: About 35 is a train, that is what we usually have.

Mr. Stone: About how many actual miles do you average in your day's work?

Mr. Gannon: Well, we average probably 40, 35 to 40, sometimes more.

Mr. Stone: In doing this work that you have described, about how many hours is the usual day's work?

Mr. Gannon: I usually work about twelve hours, eleven and three-quarters to twelve hours.

Mr. Stone: Do you ever make a day in less than ten hours?

Mr. Gannon: No, sir, I do not. I generally work twelve hours.

Mr. Stone: Do you use the main line in making the movements you have just described?

Mr. Gannon: I do, yes, sir.

Mr. Stone: When you were in the switching service did you ever use a road engine?

Mr. Gannon: I did. I used a D-4 switching engine, both right and left hand.

Mr. Stone: I think you had better explain that to the Board. That is a new one, that has not come up yet. When you say both right and left hand engine what do you mean?

Mr. Gannon: Well, the difference between a right handed and a left handed engine is that the engineer is on the left hand side, and it is more inconvenient to handle, the way she is constructed inside. The brake valve works just the opposite to a right hand engine; you pull it back, in place of pushing it ahead.

And there is very little room in the cab of the engine in order to perform the necessary duties required, and there is a very high coping on the tank, which makes it very hard to observe signals and see semaphores; and on the right hand engine it is about the same in that regard when you are backing up, you have got to sit up on the windowsill in order to see over the coping of the tank, otherwise you are liable to run by signals and get into trouble.

Mr. Stone: On that left hand engine, that brings you over on the further side, away from the signals?

Mr. Gannon: Yes, the throttle is on one side and the gauge cocks on the other.

Mr. Stone: How many of those engines are there in service?

Mr. Gannon: There are three left handed engines in service. Some of them are built special, for different jobs we have there. But sometimes they are not on those jobs, but they are

handed to fellows that are on transfer. I run a D-4 left handed engine on transfer myself and on short switching runs.

Mr. Stone: And it makes it awkward not only for you but for the yard men as well who are used to getting signals over on the other side?

Mr. Gannon: Yes, and that is especially so where you go on foreign roads, and they expect to find the engineer over on the right hand side, and the fireman is over there, and very often he is putting in the fire and is nowhere to be seen. It is very inconvenient.

Mr. Stone: About how many transfer runs has the Burlington, similar to yours in Chicago?

Mr. Gannon: I guess there must be five or six there.

Mr. Stone: These are practically the same class of runs as some of these other roads are paying the road rate for, or paying a higher rate for?

Mr. Gannon: I don't know what the other roads pay, I am sure, but about the same as the other roads.

Mr. Stone: You only get the switching rate?

Mr. Gannon: $4.25, yes, or 42½ cents an hour, regardless of what engine it is.

Mr. Stone: You take a road engine and go around there, one of those big—

Mr. Gannon: D-4-A.

Mr. Stone: The D-4 Consolidated and get the same rate of $4.25?

Mr. Gannon: Yes, sir.

Mr. Stone: You consider it worth much more to run a road engine in yard service than an engine designed for that service, do you not?

Mr. Gannon: I certainly do, because of the inconvenience of it, and the way she is constructed, and the air, and it is hard to see signals, more so than it is in an engine especially designed for that class of work.

Mr. Stone: I think that is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Mr. Gannon, is it your judgment that in this transfer service in and about Chicago, that in the proper operation of it, they should use a road engine or a switch engine?

Mr. Gannon: I would prefer a switch engine.

Mr. Sheean: For transfer work?

Mr. Gannon: For any class of work.

Mr. Sheean: Speaking particularly of the transfer work that you have described here, you think that on that work, the engine best adapted for that transfer work is the switch engine?

Mr. Gannon: I think so, yes, sir.

Mr. Sheean: The engine which you have described here is a road engine, which has been converted to switch use?

Mr. Gannon: Yes, sir.

Mr. Sheean: The D-4?

Mr. Gannon: D-4-A, yes, sir.

Mr. Sheean: How long has that been in service there?

Mr. Gannon: The D-4-A switch engines?

Mr. Sheean: Yes.

Mr. Gannon: Oh, they have been there, I guess five years, four or five years.

Mr. Sheean: They were there prior to 1910?

Mr. Gannon: I think they were there prior to 1910, yes.

Mr. Sheean: Have you run on the road?

Mr. Gannon: Have I run on the road?

Mr. Sheean: Yes.

Mr. Gannon: No, sir, I have always been a yard man.

Mr. Sheean: You have always been a yard man?

Mr. Gannon: Yes.

Mr. Sheean: In this transfer work at Chicago you work with the same engine crew, do you?

Mr. Gannon: With the same engine crew?

Mr. Sheean: Yes.

Mr. Gannon: Or the same switch crew.

Mr. Sheean: I meant to say with the same switch crew.

Mr. Gannon: I work with the same switch crew, yes, sir.

Mr. Sheean: Foreman and two switchmen?

Mr. Gannon: Foreman and two switchmen, yes, sir.

Mr. Sheean: Is there a caboose taken on any of these trips?

Mr. Gannon: Oh, yes, there is always a caboose on this train I am on.

Mr. Sheean: On the transfer?

Mr. Gannon: Yes.

Mr. Sheean: Those runs, all the transfer runs are made from day to day, with the same switching crew, that is, you and the same foreman and the two switchmen, and your firemen work, from day to day, together?

Mr. Gannon: Yes, sir.

Mr. Sheean: It is a fact, is it not, that under the award to the switchmen in Chicago, that in this switching service no new work shall be assigned after the expiration of ten hours?

Mr. Gannon: Well, I guess that is the Award, but I don't think hardly that they live up to it.

Mr. Sheean: No, that was not the Award; the Award was that: "No work shall be assigned after the expiration of ten hours, nor, excepting in cases of emergency shall any new work be assigned shortly before the expiration of ten hours if such assignment shall cause the men to work overtime."

But the men, by agreement, had it changed in the other way, so that in the Chicago switching district no new work is assigned after the expiration of ten hours.

Now, is your entire crew on overtime pretty generally?

Mr. Gannon: Yes, sir.

Mr. Sheean: Pretty generally?

Mr. Gannon: Yes, sir.

Mr. Sheean: But at no time is there any new run assigned to you—

Mr. Gannon: Any new work, you mean?

Mr. Sheean: Any new work, yes, after the expiration of the ten hours?

Mr. Gannon: Why, I have had trips to the Lake Shore and 63d Street, at 5:30 o'clock to 6:00.

Mr. Sheean: At 5:30 o'clock or 6:00 o'clock?

Mr. Gannon: Yes, sir.

Mr. Sheean: And your switch crew has gone out with you there?

Mr. Gannon: My same crew that I work with all day.

Mr. Sheean: In order to draw the overtime?

Mr. Gannon: I don't know whether they wanted the overtime or not; I am sure I did not.

Mr. Sheean: But there is no obligation under the schedule after the expiration of the ten hours, for any of the switchmen who are members of your crew to take up any new work?

Mr. Gannon: I couldn't tell you about that. I am sure.

Mr. Sheean: They do have night transfer runs as well as the day transfer runs, do they not?

Mr. Gannon: Very few. I don't think there are any I know of. There might be some; I won't say for sure. There might be some.

Mr. Sheean: Ordinarily, then, all of the work of all of the transfer crews is completed by 6 o'clock in the evening?

Mr. Gannon: No, not ordinarily by 6 o'clock. I get down there sometimes at 6 o'clock or 7 o'clock, 7:30 or 8 o'clock.

Mr. Sheean: Yes.

Mr. Gannon: Yes, it depends on how good luck I have in getting back.

Mr. Sheean: Getting out and getting back?

Mr. Gannon: Yes.

Mr. Sheean: Particularly getting back, isn't that true?

Mr. Gannon: Sometimes it is pretty hard in getting out, too.

Mr. Sheean: But ordinarily the great trouble in the transfer service here in Chicago is in getting back on the last trip of the day, is it not?

Mr. Gannon: Why, yes.

Mr. Sheean: In and about the terminals of Chicago, the yardmaster who lets you go out at 3 o'clock in the afternoon has no way of predicting whether you will be back at 5 o'clock or back at 8 or 9 o'clock?

Mr. Gannon: I don't get out at 3 o'clock in the afternoon. I usually get out late.

Mr. Sheean: How late?

Mr. Gannon: 5:30.

Mr. Sheean: Those are the very late ones, are they not?

Mr. Gannon: Yes, and I generally get them all.

Mr. Sheean: You happen to draw the late ones?

Mr. Gannon: Yes, sir.

Mr. Sheean: Well, now, on this last return to the place from which you start from—

Mr. Gannon: From Hawthorne?

Mr. Sheean: Yes.

Mr. Gannon: Yes, sir.

Mr. Sheean: When do you get back on that second trip to the Lake Shore, ordinarily?

Mr. Gannon: Well, I sometimes get back at 6:30, 7 o'clock to Western Avenue, and place the way car on the caboose track there.

Mr. Sheean: No, I mean on your second trip.

Mr. Gannon: On the first trip, you mean.

Mr. Sheean: Yes.

Mr. Gannon: On the first trip?

Mr. Sheean: Yes, your first trip.

The Chairman: How much longer will this take, Mr. Sheean?

Mr. Sheean: Just a moment or two and then it will not be necessary to recall Mr. Gannon.

Mr. Gannon: Anywheres from about 2 o'clock or 2:15, sometimes 3 o'clock. It all depends on how early you get way from there in the morning, how early you get away from Hawthorne.

Mr. Sheean: And that is the trip from Englewood after you have had your lunch and get back about 2:15?

Mr. Gannon: Yes, about 2 o'clock; anywhere from 1:45 to around 2:15, around there.

Mr. Sheean: Well, starting out any time after 2:15?

Mr. Gannon: Yes.

Mr. Sheean: You cannot predict, yourself, within an hour or two hours, as to how long it is going to take you to go to the Illinois Central yard and get back again?

Mr. Gannon: We take another train from this westbound yard over to the eastbound.

Mr. Sheean: And after that is done, what?

Mr. Gannon: Then we take water.

Mr. Sheean: Now, starting at 2 o'clock, I don't care particularly what hour it is, but starting out at 2 o'clock, or 3 o'clock, or 4 o'clock, and whether you go to the Illinois Central yard, or to the Lake Shore yard—

Mr. Gannon: Yes, sir.

Mr. Sheean: Or to the Pan Handle yard, is there any way by which you can tell then, within an hour or two, as to how soon you are going to get back to Hawthorne?

Mr. Gannon: No, sir, there is not.

Mr. Sheean: That depends entirely upon the conditions that will confront you, after you get ont on that transfer run?

Mr. Gannon: Yes, sir.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Just two questions and I am through, Judge, please (addressing the witness). That switching crew that you pull—

Mr. Gannon: Yes, sir.

Mr. Stone: Is it not a fact that they get a higher rate than men in road service, freight service?

Mr. Gannon: The switching crew?

Mr. Stone: Yes.

Mr. Gannon: That I couldn't say.

Mr. Stone: Is it not a fact that the night men get a higher rate than the day men?

Mr. Gannon: Yes, they do.

Mr. Stone: How much, do you know?

Mr. Gannon: I think about two cents an hour. I think about two cents an hour for the switching crew, but not the engine crew.

Mr. Stone: With your transfer run isn't there more danger of getting into trouble on these foreign lines than where a man is switching in his own yard?

Mr. Gannon: There is, if you don't keep a close lookout all the time with these interlockers; there are orders about dropping sand on the interlocker, and you have to keep a watch-out for torpedoes, and then they sometimes work the signal tests on you. I have had the signals raised on me once or twice. So taking it all into consideration, you have got to keep a pretty close lookout if you don't want to get into trouble.

Mr. Stone: That is all.

(Witness excused.)

The Chairman: We will take an adjournment until 10 o'clock tomorrow morning.

(Whereupon, at 5 o'clock P. M., December 16, 1914, an adjournment was taken until 10 o'clock A. M., December 17, 1914.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Illinois, December 17, 1914.

Met pursuant to adjournment at 10 o'clock A. M.
Present: Arbitrators and parties as before.

The Chairman: We will proceed, gentlemen.

Mr. Park: I ask to correct the record. On page 1352, line 28, Mr. Stone asked "What time did you leave Miami?" The answer is shown as being made by Mr. Park. It should be by Mr. Hart.

JOHN HANLEY was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Stone: This is Engineer John Hanley, of the Illinois Central Railway, employed in the suburban service, and I might add, for the relief of the Board, that this is our last witness in direct testimony.

The Chairman: We congratulate you.

Mr. Stone: Thank you. (Addressing witness.)

You are at the present time, Mr. Hanley, in the employ of the Illinois Central Railway?

Mr. Hanley: Yes, sir.

Mr. Stone: In what class of service?

Mr. Hanley: Suburban passenger.

Mr. Stone: How many years have you been in suburban passenger service?

Mr. Hanley: About six years, regularly.

Mr. Stone: About how many engineers at the present time are employed by the Illinois Central in suburban service?

Mr. Hanley: We have thirty-nine regular engineers.

Mr. Stone: And about how many extra men?

Mr. Hanley: Well, that varies, I could not say; sometimes we have all the way from one to probably ten or twelve.

Mr. Stone: Do all of these men have the same hours and the same conditions of service?

Mr. Hanley: No, sir.

Mr. Stone: Each man has his own combination of runs?

Mr. Hanley: Each man has got his own combination, and they are made up of different trips and runs.

Mr. Stone: About how many different combinations of runs are there on the Illinois Central?

Mr. Hanley: We have thirty-nine at the present time.

Mr. Stone: About what is the spread in hours and the mileage of these combinations? Can you give the Board a fair estimate?

Mr. Hanley: Well, the spread in hours ranges from about eleven hours and twenty minutes to eighteen hours and seventeen minutes. The mileage would run from about eighty-eight miles to one hundred and forty-two miles, would be the spread.

Mr. Stone: Rather than take up the time, with your permission, gentlemen, I would like to have this in the record, showing the time from going on duty until final release of the different combinations.

The Chairman: Very well.

(The statement is as follows:)

FROM TIME OF GOING ON DUTY UNTIL FINAL RELEASE.

		Hours.	Minutes.	Miles.			Hours.	Minutes.	Miles.
Comb.	1	13	50	138	Comb.	21	16	40	109
	2	14	20	129		22	17	42	131
	3	13	50	134		23	12	50	100
	4	14	—	138		24	12	15	100
	5	11	30	100		25	11	55	100
	6	11	20	142		26	12	05	100
	7	12	20	114		27	17	35	100
	8	12	09	99		28	18	17	100
	9	11	32	106		29	18	15	100
	10	11	40	113		30	13	22	90
	11	11	35	99		31	13	25	104
	12	11	47	113		32	16	52	135
	13	11	31	103		33	17	40	114
	14	12	09	99		34	14	05	122
	15	11	47	99		35	14	18	125
	16	11	32	99		36	12	20	126
	17	12	—	88		37	17	50	126
	18	11	52	103		38	11	45	57
							(plus 8 hours heating cars)		
	19	12	12	99		39	12	28	25
							(Plus 9 hours irregular service)		
	20	16	24	113					

Mr. Stone: I wish you would describe some of these combinations to the Board, and show how they are made up.

Mr. Hanley: I will describe combination No. 1. The combination, as I answered here before, is made up of different trips, consisting of from one to four trips in a combination.

Combination No. 1: The engineer is required to be on duty at 4:40 A. M.; leave the roundhouse at 4:50 A. M.; leave Chicago, that is, Randolph street, at 5:20 A. M.; goes to Flossmore and returns to Chicago, and if on time, is released at the roundhouse at 8:40 A. M.

He again goes on duty at 12 o'clock noon; leaves roundhouse at 12:10 P. M.; leaves Chicago at 12:40 P. M.; goes to Blue Island and returns to Chicago at 3:30 P. M.; takes coal and water and leaves Chicago again at 3:55 P. M. Makes trip to Harvey and return, arriving at Chicago at 6:10 P. M., released at the roundhouse at 6:30 P. M.

Total miles run, 138 miles; 144 regular stops, from the time of going on duty to release on completion of final trip, thirteen hours, fifty minutes. The time actually on duty and performing service is ten hours and thirty minutes.

Mr. Stone: In that combination, Mr. Hanley, you say you

are required to be on duty at 4:40. At what time would you have to get up in order to be there?

Mr. Hanley: If I get anything to eat, I would have to be up one hour before that, at least.

Mr. Stone: That would be 3:40 in the morning?

Mr. Hanley: It would depend on where I lived in the city. If I lived far out I would have to get up much earlier; if I lived close to the 27th street roundhouse, I would have to get up at least one hour before that time.

Mr. Stone: Take another combination, a combination like No. 32, and explain that to the Board.

Mr. Hanley: On combination No. 32 the engineer is required to go on duty at 6:28 A. M., leaves Blue Island at 6:58 A. M., arrives at Chicago at 7:46 A. M., and, if on time, is released at the roundhouse at 8:16 A. M. He goes on duty again at 3:05 P. M., leaves roundhouse at 3:15 P. M., leaves Chicago, Randolph street, at 3:45 P. M., for Madison, and returns to Chicago at 6:35 P. M.; takes coal and water and leaves Chicago at 6:45 P. M. for Blue Island; returns to Chicago at 9:15 P. M., again takes coal and water, cleans his fire if necessary, and leaves for Blue Island at 10 P. M., arriving at Blue Island 11:05 P. M., is released at 11:20 P. M. Total miles run, 135 miles; regular stops made, 140; time from going on duty until final release, 16 hours, 52 minutes; time actually on duty and performing service, 10 hours and 3 minutes.

Mr. Stone: In the broken doses, in the way that is made up, when does this man get any rest?

Mr. Hanley: Well, he has two off periods in the 24 hours, and he would have to go to bed twice, once in Chicago and once in Blue Island.

Mr. Stone: You mean at Blue Island he is released at 11:20 P. M. and goes on duty again 6:28, probably having to get up at 5 o'clock, so he gets about four hours and a half sleep there, if he went right to sleep?

Mr. Hanley: Yes, if he went to bed and did not get any lunch.

Mr. Stone: And one is released at Chicago at 8:16 in the morning and returns at 3:05 in the afternoon, and with the time to get something to eat, he could go to bed and sleep three or four hours?

Mr. Hanley: Yes, sir.

Mr. Stone: The only way this man can get his rest is by going to bed twice in 24 hours?

Mr. Hanley: Yes, sir.

Mr. Stone: He does not get eight hours' uninterrupted rest at any time?

Mr. Hanley: No, sir.

Mr. Stone: Is that a fair average of the runs, Mr. Hanley —about the general time on duty?

Mr. Hanley: I think that would be about a fair average of the good and bad ones.

Mr. Stone: Well, now, you have been in this service for six years; you are probably getting along towards one of the better combinations; about how much money do you average per month?

Mr. Hanley: If I work every day I make $141.70 per month.

Mr. Stone: Would it be safe to say it was a fair average for suburban men that they would run around $140 to $145?

Mr. Hanley: Yes, sir, I would think so.

Mr. Stone: There are some one or two combinations with the longer hours, that run a little higher, are there not?

Mr. Hanley: Well, we have one run that I remember of, that has pretty fair hours, that runs higher.

Mr. Stone: But he makes it in mileage, longer miles?

Mr. Hanley: Yes, he makes more miles than what I make.

Mr. Stone: But, it is really a fact that a man, in order to earn this money, must take up most of his day and most of the night, in order to get it? It means long hours?

Mr. Hanley: Yes.

Mr. Stone: Do you know of any reason why a man in this suburban passenger service should work these longer hours than the man in road service, for the same money?

Mr. Hanley: No.

Mr. Stone: Or in order to make a day's work?

Mr. Hanley: No, I do not.

Mr. Stone: That is all, Mr. Chairman.

CROSS EXAMINATION.

Mr. Sheean: Mr. Hanley, the run on which you would get, if you worked every day, $140.70, just what is that run?

Mr. Hanley: That is combination 14.

Mr. Sheean: I wish you would give us just what that is.

Mr. Hanley: The work done?

Mr. Sheean: Yes; the hours and miles, and so on.

Mr. Hanley: Would you want the time?

Mr. Sheean: Yes, if you please.

Mr. Stone: Just read it if you have it.

Mr. Hanley: I go on duty at Burnside at 6:40 A. M. I leave Burnside at 7:10 A. M. Arrive at Chicago at 7:45 A. M. If I don't get blocked going to the roundhouse, I would be released at 8:05 A. M.

I again go on duty at 10:55 A. M. Leave Randolph Street at 11:25 A. M. Arrive at 67th Street at 11:55 A. M. Leave 67th Street at 12:05 P. M. Arrive at Randolph Street at 12:35 P. M. Take coal and water, clean our ash pan, tend to the fire if necessary, and leave Randolph Street again at 1:25 P. M.

67th Street at 1:55 P. M. Leave 67th Street for Chicago, Randolph Street, at 2:05 P. M. Arrive Randolph Street at 2:35 P. M.

Again take coal and water, tend to our ash pan and fire if necessary, we have to dump the pan anyway, and leave for Blue Island at 3:20 P. M. Arrive at Blue Island at 4:15 P. M. Leave Blue Island at 4:30 P. M. Arrive at Randolph Street at 5:30 P. M.

We take water there, sometimes coal. Dump our pan and leave again at 5:50 P. M. Arrive at Burnside, our tie-up point, at 6:34 P. M. If we don't get any delays I would be released about 6:50 P. M.; put our train away and the engine on the cinder pit.

Mr. Sheean: So that on this particular run of yours, the spread there is from 6:40 A. M. until about 6:50 P. M.?

Mr. Hanley: Yes, sir.

Mr. Sheean: And the average earnings of the men in the suburban service are something about the same as yours, $140 to $145 a month?

Mr. Hanley: I think that would be a fair average to strike.

Mr. Sheean: Are those trips that you make to 67th Street, local or express?

Mr. Hanley: They are local.

Mr. Sheean: All local runs?

Mr. Hanley: Yes.

Mr. Sheean: All of the suburban service of the Illinois Central, under the present schedule, is covered by payments per trip, is it not, between designated points?

Mr. Hanley: That is the way we figure it, and I believe that is the way it was figured in making the schedule.

Mr. Sheean: And the schedule itself provides for so much per trip, doesn't it?

Mr. Hanley: For so much per trip; yes, sir.

Mr. Sheean: Between designated points?

Mr. Hanley: Yes.

Mr. Sheean: Between 67th Street and Chicago; between South Chicago and return; Grand Crossing and return; Kensington and return; Harvey and return, and so on, as to all of these designated trips?

Mr. Hanley: Yes, sir.

Mr. Sheean: Mr. Hanley, were you in road service outside of the suburban service, before you went into the suburban service?

Mr. Hanley: Yes, sir.

Mr. Sheean: Do road men retain seniority rights in suburban service?

Mr. Hanley: Well, they have to go in on a vacancy.

Mr. Sheean: Yes; but if there is a vacancy in the suburban service, they can select suburban service in the exercise of their seniority rights?

Mr. Hanley: Yes, if there seniority will give it to them.

Mr. Sheean: Yes. How long have you been an engineer altogether, Mr. Hanley?

Mr. Hanley: I was examined in 1896, January, 1896, and I have run pretty nearly continuously since that time. I believe that I went back, firing for a short period the first year.

Mr. Sheean: And on what division did you run?

Mr. Hanley: I was made on the Illinois division, did my firing there, and was promoted there, though I have run between Memphis and Vicksburg on the Y. & M. V.; I ran out of Water Valley to Canton, and Water Valley to Jackson, Tennessee; and I ran out of McComb City to New Orleans; and McComb City to Canton; and I ran out of East St. Louis. That was temporary service; sent down there to relieve.

Mr. Sheean: This suburban run that you are in now, you took, in the exercise of seniority rights?

Mr. Hanley: Yes.

Mr. Sheean: Some six years ago?

Mr. Hanley: Yes, sir.

Mr. Sheean: And in this service now you live here in Chicago, and you are home every night, so far as your work is concerned?

Mr. Hanley: Yes.

Mr. Sheean: And these runs that you have are all regularly scheduled runs?

Mr. Hanley: Yes, sir.

Mr. Sheean: The suburban tracks are separate from the through tracks?

Mr. Hanley: Yes, to a certain point.

Mr. Sheean: Well, how far out?

Mr. Hanley: They would be to Kensington, generally speaking, and from Kensington south.

Mr. Sheean: To Randolph Street?

Mr. Hanley: From Randolph street to Kensington. That is, now, the locals.

Mr. Sheean: Pardon me?

Mr. Hanley: The local suburban tracks would be, and, of course, the express tracks reach from Chicago to 67th Street. Then they would diverge there over onto the local suburban tracks, or express suburbans.

Mr. Sheean: And from 67th Street, on south, the suburban tracks on which both the locals and expresses run are separate from the through tracks?

Mr. Hanley: That is, to Kensington.

Mr. Sheean: As far as Kensington?

Mr. Hanley: Or Blue Island Junction, we call it. That is the Western Indiana crossing there.

Mr. Sheean: From 67th Street north to Randolph Street the suburban tracks are again divided between the through and local tracks?

Mr. Hanley: Between express and local.

Mr. Sheean: Yes, between express and local tracks.

Mr. Hanley: Yes.

Mr. Sheean: And two of those tracks are devoted exclu-

sively to suburban service; no through trains operate on the same tracks?

Mr. Hanley: There are four of those tracks, two for locals and two for express.

Mr. Sheean: From 67th street north to Randolph?

Mr. Hanley: Well, not all the way north. You see, from 43rd street down we have not as many tracks as we have from 43rd street south. Do you understand?

Mr. Sheean: In the suburban service?

Mr. Hanley: We have as many tracks, but they would not be the same number. We have six tracks. Two of those tracks are for express suburban, and two for local, but they only have two from 43rd street down for the freight and through passenger.

Mr. Sheean: Yes, but in the suburban service, the four tracks devoted exclusively to suburban service, two for local and two for express, run all the way from 67th street to Randolph?

Mr. Hanley: Run all the way from 67th street to Harrison.

Mr. Sheean: Oh, yes, to Harrison street, and then all the suburban trains come in on the same tracks at Harrison street?

Mr. Hanley: From Harrison to Randolph.

Mr. Sheean: In the operation of this suburban service there, the only trains that run on these tracks are regularly scheduled suburban trains?

Mr. Hanley: Well, they have the right to use the tracks for anything they feel like, to diverge any trains over there that they might have to run there for any cause.

Mr. Sheean: Yes, in case of any derailment or obstruction on the other tracks there may be a detour to those tracks?

Mr. Hanley: Yes.

Mr. Sheean: But in the regular operation, if things are designed as they are to run, you, on the local tracks from 67th street to Randolph, have nothing to look out for except the suburban trains?

Mr. Hanley: That would be all, without they divert something. Of course, they would not give me any notice of diverting other trains over there.

Mr. Sheean: This is on automatic block, is it not?

Mr. Hanley: Yes, sir.

Mr. Sheean: The entire distance that you run over?

Mr. Hanley: Yes, sir. There are no blocks from Blue Island Junction to Blue Island and return.

Mr. Sheean: And what is that distance?

Mr. Hanley: I should judge about between five, six or seven miles, something like that.

Mr. Sheean: These engines that are used in suburban service, are very light engines, aren't they?

Mr. Hanley: I have got a light one.

Mr. Sheean: Aren't all the suburban engines, those in suburban service, light, rigid frame engines?

Mr. Hanley: They are all rigid frame engines. Some of them, of course, we call—some of them are big suburban engines, and some, like I am running, are little suburban engines. If you compare them with the Mikado road engines, or the big passenger engines, why, they would be lighter.

Mr. Sheean: What do these engines weigh on drivers, do you know—these suburbans?

Mr. Hanley: I could not tell you that now. I did know, but I could not give you the figures now, because I don't remember.

Mr. Sheean: I think that is all.

Mr. Park: The arrangements of your runs, are they arranged by the engineers, or by the master mechanic?

Mr. Hanley: The combinations?

Mr. Park: Yes.

Mr. Hanley: Why, the trainmaster, I believe, has charge of it, and he calls in the traveling engineers to help him out.

Mr. Park: The engineers have a choice in that arrangement; do the oldest men have the preferred runs?

Mr. Hanley: Yes, you pick according to your seniority there.

Mr. Park: On the Blue Island run, there are no other trains on that branch, except the suburban trains and an occasional switch engine.

Mr. Hanley: They send switch engines over there and such as that.

Mr. Park: The traffic is very light there?

Mr. Hanley: I would call it so, yes, compared with our main line.

Mr. Park: You operate the suburban service very free from accidents, do you not?

Mr. Hanley: I didn't get your question.

Mr. Park: You operate the suburban trains very free from accidents?

Mr. Hanley: Yes, sir, I have.

Mr. Park: You handle about 45,000 people a day do you not?

Mr. Hanley: Well, I heard that they were credited at one time with handling 48,000. I don't know exactly now what they do handle.

Mr. Park: That is done very successfully; that is, you have no accidents that you know of—fatalities or serious injuries?

Mr. Hanley: I don't remember of any with the passengers in a long time. Of course, once in a while a passenger might step off—make up his mind that he wants to get off after you start, or step off before you stop, or something like that, and he might fall down and hurt himself.

Mr. Park: The trains usually keep on the track?

Mr. Hanley: Yes, sir.

Mr. Park: That is on account of the arrangements of the tracks for the trains exclusively, and the automatic signals. You had several accidents during the strike in the suburban service, did you not?

Mr. Hanley: I don't remember anything serious.

Mr. Park: Some accidents occurred on the South Chicago line; did you know of those?

Mr. Hanley: Where there was personal injury connected with it?

Mr. Park: No, where the trains were derailed at switches on account of the switches being tampered with?

Mr. Hanley: Oh, yes, I remember several cases of that happening.

Mr. Park: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Stone: Mr. Hanley, is it not a fact that some of these suburban trains use the through passenger train tracks?

Mr. Hanley: They do from Blue Island Junction south to

Flossmore, or Madison or Harvey, or any point that they might go to, south of Blue Island Junction, and we might use the through passenger tracks right out of 12th street, providing our tracks were obstructed, from any cause.

Mr. Stone: Regardless of whether they are obstructed or not, you do use the through passenger tracks the other side of Blue Island?

Mr. Hanley: Oh, yes. That is the other side of Blue Island Junction. Blue Island Junction, you should remember, is on the main line where the Blue Island branch branches off from the main line—that is what we call Blue Island Junction, which is just south of Kensington about half a mile.

Mr. Stone: Take a morning like we have had the last few mornings, where the fog is very thick along the lake front, doesn't it make it very hard picking up these signals?

Mr. Hanley: On the express tracks it does.

Mr. Stone: Don't they have a business men's special from Gary, and doesn't that use the main through passenger tracks?

Mr. Hanley: Yes. The business men's special from Blue Island uses it, and the business men's special from South Chicago uses it, and also in the evening they use it.

Mr. Stone: I think that is all, Mr. Chairman.

Mr. Burgess: Mr. Hanley, isn't this suburban service very exacting? in regard to making black smoke?

Mr. Hanley: Yes, sir.

Mr. Burgess: And they do run a great number of suburban trains, do they not?

Mr. Hanley: Yes, sir.

Mr. Burgess: Mr. Park asked you the question if you did not have several accidents during the strike, and you answered yes. What strike do you allude to?

Mr. Hanley: I was alluding to the shop strike, about three years ago this winter. The shop organizations went on a strike on the Illinois Central about three years ago, and that is what I understood he was alluding to.

Mr. Burgess: There has been no strike of the men in the train service, has there?

Mr. Hanley: No, not that I remember.

Mr. Burgess: Mr. Hanley, the purpose of your testimony

is to tell the facts, is it not, in regard to the suburban service?

Mr. Hanley: That is what I am.

Mr. Burgess: And if you exercised your seniority rights and took another run, some engineer would have to be in the suburban service, would he not?

Mr. Hanley: That is, if I went on the road?

Mr. Burgess: Yes.

Mr. Hanley: Yes, sure.

Mr. Park: I wanted to draw out from the witness the exemption from risk of accident in the suburban service, and to intensify that by illustrating that they had had no accidents in the service, except those that were caused by some outsider tampering with the switches—ordinarily they operate almost with immunity from accidents.

Mr. Burgess: You alluded to the shop men's strike?

Mr. Park: Yes.

Mr. Burgess: That is all, Mr. Chairman.

Mr. Stone: That is all, Mr. Hanley; you are excused.

(Witness excused.)

Mr. Stone: Mr. Chairman, that concludes the number of witnesses we desire to put on the stand in direct testimony, or evidence. Before Mr. Carter starts to put his direct testimony in, I should like to submit three exhibits. The first is exhibit No. 17.

(The document so offered and identified was received in evidence and thereupon marked "Employes' Exhibit No. 17, received in evidence December 17, 1914.")

Mr. Stone: This is introduced for the purpose of bringing out a question under discussion the other day, the Brown System of Discipline. I want to show to you how the system of discipline works out, and while this particular case is taken from the Stockton Division of the Southern Pacific, I think you will find that the same plan is practiced throughout the country.

It shows very conclusively to us how the man's responsibility increases with these long trains, and it also shows the further fact that a man never can clear his record; that it always stands against him. Take, for example, this case of Engineer James Hallisey, you will note that in the fourth month and twenty-ninth day of 1901 he was employed on the lines in Oregon. On April 1, 1904, he was transferred to the Sacramento

division, no doubt as a fireman. You will note in the transcript of discipline record, that on August 6, 1905, he had sixty days' discipline record for causing accident. Undoubtedly at that time he was a fireman. This was cancelled on August 6, 1906, and should have given him a clear record; yet it still stood. Again, on September 30, 1909, he was given fifteen days for responsibility for an accident, and this was cancelled on December 30, 1909, no doubt having a clear record of several months. Again, further down, you will see where he was, on September 28, 1914, given ten days for responsibility for a break-in-two. Again, on October 14, 1914, he was given twenty days' responsibility for a break-in-two.

It is an absolute fact that with the most careful handling of these long, heavy tonnage trains, they occasionally break their trains in two, in stopping. It is also true that our road foremen of engines out riding on the road, handling these same trains, occasionally break trains in two, in stopping, due to the different kinds of brake equipment, and due to the different length of piston travel on the various brakes, and also due to the excessively long trains with so much slack.

But the point I want to particularly impress upon you, is the fact that though a man may clear his record and the demerit marks against him, or the discipline record is cancelled, it still remains, and they have the right to refer clear back to it and review it at any time.

If I owed a man a debt of $1,000 and paid it, I would consider the debt was cancelled; and if you asked for my record ten years afterwards, I would not expect you to say, "Well, he does not owe me anything now, but ten years ago he did owe me a thousand dollars."

Mr. Park: Would not the fact that you had borrowed that money ten years ago still exist?

Mr. Stone: If I paid it, it is cancelled, it is done, it does not stand against me or against my record.

Mr. Park: Does not the employe pay this debt? Is not this record the same, to illustrate, as driving a nail into a post?—if you pull the nail out, the hole is there yet? As a matter of fact, the record may be clear, but the things that occur to make that record, of course, are there in existence; they cannot be absolutely wiped out, because they did occur.

Mr. Stone: But, Mr. Park, if that is true, it is still there; this question of cancellation and clear record is a theory and does not exist; it is only a theory.

Mr. Park: I think you misunderstood me. The man may have what the management would call an absolutely clear record, and he would be commended for having a clear record, and an annual pass given him for himself and his family over the entire system, because he did have a clear record; but still, he may have had reprimands and suspensions, by record in previous years, which are still on the books and could not be wiped out without destroying the books.

Mr. Stone: Well—

Mr. Nagel: Using your comparison, Mr. Stone, if a man has the reputation of being a habitual borrower, he is not so apt to get new money, is he?

Mr. Stone: If he has always paid his debts promptly, yes, a splendid record.

Mr. Park: But, if he did not pay them promptly, his credit would not be as good.

Mr. Stone: But this man did pay his debts; and, speaking of the reprimand, you will notice on May 8th, 1913, he was reprimanded for having his watch compared but once. That would deprive him of his annual pass for the next year, if he did not get that reprimand clear, and that is not the bad feature of the whole structure.

It does not end there with that road, but it follows him to the next road. He will go over and get service on some other road, and when they write back for his record—

The Chairman: Just at that point, one moment, Mr. Stone. Suppose he gets into trouble there on the road on which he is employed, or on another road to which he goes. Is the fact that he had a record which was bad, but had been cancelled, used against him?

Mr. Stone: Yes, sir.

The Chairman: In any investigation that may arise?

Mr. Stone: Yes, sir.

Mr. Park: On a foreign road?

Mr. Stone: Yes, sir.

Mr. Park: That is, they call for this record on another road?

Mr. Stone: They send back the record. He will probably come there and work for them three months or six months or eight months, as the case may be, and then he is called in and told "Your reference is not satisfactory. We have your reference from a foreign road, and it is not satisfactory. You are out."

Mr. Park: I do not think that this personal record is ever exchanged between railroads.

Mr. Stone: Well, I don't think anything about it, Mr. Chairman; I know that it is exchanged between railroads.

Mr. Park: Between some railroads.

Mr. Stone: If you will excuse the term, it is legitimate blackmail or blacklisting.

The Chairman: Suppose he is given a clean bill of health, by cancellation, by the road employing him, and then he gets into trouble again. Is the fact that he had a bad record prior thereto used against him, notwithstanding the fact that it was cancelled?

Mr. Stone: Yes, they review clear back to the beginning, and bring it down again, and I think either Mr. Park or Mr. Byram will say that that is done on their road.

Mr. Park: Is it not a fact, Mr. Stone, that Mr. Belnap, representing the Interstate Commerce, when he investigates an accident, investigates the records of those who may be implicated?

Mr. Stone: Yes, I believe that is true; and I also know it is true that a great many sins of omission and commission are charged to Mr. Belnap, that he is not guilty of. The fear that Mr. Belnap may, in the course of the next twenty or thirty years, come along and investigate some man's record, has made many a good man walk the plank.

Mr. Park: The railroads are censured if they have in their employ those who have been guilty of a serious violation of the rules; the managers are censured by the Interstate Commerce Commission in that event, are they not?

Mr. Stone: Are you asking me that question?

Mr. Park: Yes, as taken from the reports.

Mr. Stone: Yes, I believe that is true.

Mr. Park: And in the New York & New Haven investigation by the Interstate Commerce Commission, the management

were very severely censured by the Interstate Commerce Commission for their practices in regard to discipline, were they not?

Mr. Stone: Mr. Chairman, this is neither the time or place to wash the New York & New Haven's dirty linen; but, of course, I should be very glad to go into it, if you like, because the Brotherhood of Locomotive Engineers is on record with a signed letter, notifying the management, eighteen months before it happened, that that very identical thing would happen unless they took some precautions; and when that was put out in the investigation, this organization was censured for trying to "put the company in bad."

The point I want to make is this: Take, for example, the last charge there that caused him to leave his job, on September 14th, 1914, he was given twenty days for the responsibility of a break-in-two. I understand from inquiry that on this break-in-two he was stopping for a switch to head in for a passenger train, and caused a delay to the passenger train on account of pulling out some draft rigging, and he was given twenty days for it. I don't know whether any other air brake expert could have kept that train from breaking in two or not, but that simply goes to show that every time something does happen to cause a delay, some man has got to take the blame for it, and the road that put that heavy tonnage on the man is not going to take the blame, but the delay is charged to this fellow that is tugging away, trying to pull that train.

Mr. Nagel: I seems to me to be the more serious point, as to whether these discredits are reasonable in themselves, or is there a disposition to put upon the wrong man the blame for a general condition?

Mr. Stone: I think we will be able to prove by the statement of one who is supposed to be one of the best operating officials in the Western territory, that this system goes clear down through railroading, of trying to shoulder the blame on somebody else, clear down until they get to the smallest man.

Mr. Nagel: If that is so, then your other argument that these discredits are kept alive, of course, becomes very serious.

Mr. Stone: I think I can produce a statement from Mr. Park to that effect. I think Mr. Park is on record to that effect, that that is the serious problem of railroading, this shifting of responsibility.

Mr. Park: Mr. Stone, this is what the manager seems to be up against. The Interstate Commerce Commission, in its last report, 1913 on the subject of the investigation of accidents, say that:

"During the year ending June 30, 1913, a total of 76 train accidents were investigated by the Commission. These accidents comprised 51 collisions and 25 derailments, and caused the death of 283 persons and the injury of 1,880 persons. The collisions investigated were responsible for 221 deaths and 1,174 injuries, and the derailments caused 62 deaths and 706 injuries.

"The Commission again is compelled to note the exceedingly large proportion of train accidents due to dereliction of duty on the part of employes. Fifty-six of the accidents, investigated during the year, or nearly 74 per cent of the whole number, were directly caused by mistakes of employes. These mistakes were of the same nature as those noted by the Commission in its last annual report, namely, disregard of fixed signals; improper flagging; failure to obey train orders; improper checking of train register; misunderstanding of orders; occupying main track on time of superior train; block operator allowed train to enter occupied block; dispatcher gave lap order or used improper form of order; operator made mistake in copying order; switch left open in face of approaching train; excessive speed; failure to identify train that was met."

Now, the managers are trying to improve that condition by these efficiency tests, and a proper discipline record.

You refer to "this lost twenty days, for responsibility for break-in-two." There are a great many break-in-twos which occur, for which the engineer is not responsible; but if he comes up to a switch with a long train and attempts to start before he comes to a stop, or undertakes a certain manipulation of the brake at that switch which is contrary to the rules, he may break the train in two and cause a great delay to a passenger train, or a mail train, that is quite serious to the railroad, and they would be fined by the government for the delay to the mail train under those conditions.

But, I do not understand, that every engineer is held responsible, for every break-in-two. It is only those that, after

investigation, appear to have been caused by the engineer in violating the rules in some way.

Mr. Stone: I believe it is a safe statement to say that every time something happens you can always find a rule that is violated. It is also true, that when you send your expert road foreman of engines out on the road, to show our men, many of whom have been in the service for years, how to handle these long trains, that they break them in two more often than our men do.

I wish you had read ahead further in the recommendation of the Interstate Commerce Commission and shown what they recommend as the thing to do to stop all this. I believe, if I recall it,—it has been quite a time since I read it, but I believe, if I, recall it correctly, that they recommended the installation of automatic block signals on all these roads, to stop all of this.

Mr. Park: I think the railroads are agreed as to that, but the question is where to get the money to put in the automatic signals. We put them in just as fast as we can, but it may be a question of a better bridge, or a steel bridge instead of a wooden one that is liable to burn out; or it may be a question of heavier rails, that must come ahead of the automatic signal. But, the general disposition is to put in every safeguard that will protect the lives of the employes and of the passengers, just as quickly as the money can be obtained.

Mr. Stone: I think, Mr. Chairman, a little later on we will be able to show you that they have plenty of money to do all these things with, if they really wanted to.

Mr. Park: Well, I would like to know how to get it.

Mr. Stone: I think we will be able to show you. Just one more thing, Mr. Chairman, and I am through—

Mr. Burgess: I understand you are going to some other subject?

Mr. Stone: Yes.

Mr. Burgess: One member of the Board, at least, would like to have you explain what is necessary to cancel a discipline. Take, for instance, the first discipline recorded on your exhibit here: sixty days for causing accident. I note it is cancelled

8/6/06. What was necessary for that engineer to do, to cancel that sixty days?

Mr. Stone: I take it for granted, perhaps a year or two years' perfect record. I do not know just what the rule is on the Southern Pacific. Mr. Campbell, no doubt, can explain.

Mr. Burgess: Then, are we to understand that, in order to cancel all the days assessed against the engineer for some accident, or some alleged offense, that there must be a given period of perfect record?

Mr. Stone: Two years' perfect service would cancel sixty days, so the chairman from that road says.

Mr. Burgess: Two years?

Mr. Stone: Perfect service.

Mr. Burgess: Two years' perfect service would be required to cancel sixty days' discipline record.

Mr. Stone: Discipline record, not actual suspension, but discipline record.

Mr. Sheean: The top of it seems to show that this is cancelled at the end of one year.

Mr. Stone: That is the date which was given me.

Mr. Sheean: Imposed 8/6/05, and cancelled 8/6/06, on the top line.

Mr. Burgess: I noticed that, Mr. Sheean, and that was one of the reasons for asking Mr. Stone the question. Now, Mr. Stone, are we to understand that after two years' perfect service, and after probably receiving notification that this offense was cancelled, that the offense is then on record against him, and is used later on in the event he is charged with some other offense?

Mr. Stone: Yes, sir.

Mr. Burgess: And in the event he leaves the service?

Mr. Stone: That is the transcript given him when he leaves the service; that is a copy of what is given him when he is discharged from the service.

Mr. Burgess: In the event he leaves the service and goes to another railroad, it is then used against him?

Mr. Stone: They would send for his record, and they would send them that transcript.

Mr. Burgess: Then, can you give us any reason that would furnish an incentive for an engineer to try to make a

perfect record, if this cancellation was in name, rather than in fact?

Mr. Stone: Well, at the beginning of the year, if his record was clear, he would be given an annual pass for that year. If there was a reprimand standing against him, or his record was not clear, he would not get it. That is about the only incentive I see.

Mr. Burgess: That is all.

Mr. Park: There is a desire on the part of the engineer, ordinarily, to have a clear record, is there not?

Mr. Stone: Absolutely, every man takes a pride in his record.

Mr. Park: He feels better if he has a clear record, than if he has something hanging over his head, as you say.

Mr. Stone: Very much so, but after he gets a dose like that for three years, it will break the spirit of any man who ever ran an engine.

Mr. Park: Is it not a fact that 90 per cent of the engineers have a clear record right along?

Mr. Stone: Not on this particular road.

Mr. Park: Is not this an exceptionally bad record that you are submitting?

Mr. Stone: No, I do not think so.

Mr. Park: It looks bad to me.

Mr. Stone: There is a lot of it, but it is not bad.

Mr. Nagel: Mr. Stone, which is the better record, a record which shows that it was not necessary to use successful service by way of cancellation, or one which has a number of discipline records which have been cancelled?

Mr. Stone: Every man would much prefer to have a clean record.

Mr. Nagel: It is a better record, is it not?

Mr. Stone: Oh, yes, it is a better record if he can keep out of it.

Mr. Nagel: How can the management close its eyes to the fact, comparing these two records, that one is better than the other?

Mr. Stone: We do not ask the management to close their eyes to a man's record, but we often think that a man has a

record charged against him when it is not necessary and when it is not deserved.

Mr. Nagel: That is the other point to which—

Mr. Stone: We have never been able to agree with them on that, however.

Mr. Nagel: That is a separate point, as to which, of course, we will be glad to hear; but assuming that the record is true, it seems to me you cannot get away from the conclusion that the one record is better than the other.

Mr. Stone: That is perhaps true, and if that is to be the system of discipline for men on railroads, it is all the more reason a man should have higher pay for the little time he can keep his service clear, because the men in every other trade are not bothered with that at all. When they go from one job to another, they do not have to bring a record with them.

Mr. Nagel: Of course, it is an employment of great responsibility, and those things should be considered.

Mr. Park: I think the Southern Pacific have taken a special pride in their exemption from accidents. I have here a memorandum which I would like to read in connection with this discipline:

"The Safety First movement of railroads was started the year 1909 and 1910, and until the present time extends over the railroads in the North American countries, Japan and some of the South American countries.

"The late E. H. Harriman provided a fund for medals to be awarded to the American steam railroads making the best record in accident prevention and industrial hygiene affecting the public and its own personnel during each current year.

"The first award of this medal was made in November, 1913, and was on a locomotive mile run basis. There were forty-two railroads competing for the prize, making mileage of 812,577,339.

"The first prize—a gold medal—was awarded the Southern Pacific System. A replica in silver to the member of the Operating Department of that road instrumental in bringing these conditions about was awarded to William A. Sproul, president of the Southern Pacific.

"The replica in bronze to Mr. William Schwab, conductor, Sacramento Division, Southern Pacific.

"The award of medals is handled by the American Museum of Safety in New York, who at the time these awards were made to railroads, awarded the Scientific American medal for any defective device of utility which best serves the human life and limb; the Travellers' Insurance Medal which has achieved the most safety of its employes; the Lewis Livingston Seamen medal for prevention of occupational diseases; the Rathneu Gold Medal presented by an Electrical Company in Berlin for safety in electrical work; the Anthony N. Brady memorial medals to the American Street Railroad making the best record in accident prevention and industrial hygiene.

"These medals consist of gold, silver and bronze, practically on the same basis as the E. H. Harriman Medals."

Now, the Southern Pacific, in adopting these discipline methods and efficiency tests, seem to be trying to do that which the public demand, the elimination of accidents and the nearer approach to safety, as compared with the European railroads. They accuse us of not having the methods of discipline and not having those things that prevent these accidents, that they have in the older countries; and I do not think there is any object or any intention to be harsh with the employes. It is simply to have them drilled properly and to operate their trains so that they will go over the road in safety.

Mr. Stone: At the present time we have an engineer out of duty on the Atlantic System. Southern Pacific Lines East, where we were trying to straighten up his record, and they never said a word about the demerit marks against the man until we have destroyed the other charges against him and proved him innocent, and then they shoved up one hundred and thirty demerit marks against him, and he is out of employment now.

This "Safety First," leaving all sentiment out of it, and regardless of the fact that we are all interested in doing everything we can to save human life—the engineers and firemen are all vitally interested in "Safety First," because they are the first men into these accidents, and we are not anxious to pay their insurance—but this "Safety First" on many of our rail-

roads, you know, is simply a joke. I do not mean to be sarcastic, but if you wake up the average railroad official in the middle of the night and shake him, he would say "Safety First." And yet we bring out, and here is the testimony of different witnesses, that a man goes out in a cloud of steam and has to shut off his engine in order to see these signals. Take the Burlington, one of the strongest advocates of "Safety First" in the West, yet it was stated to you by the last witness that they have a left-handed engine running around in these foreign yards here, where the man is on the opposite side of the signals, and where everybody seeks to flag him. There is not any "Safety First" about anything of that kind. We are as strong advocates of "Safety First" as anybody possibly can be.

Another thing, and I am done. I do not desire to take up the time of the Board further. It is generally supposed that these labor unions and their executives are fighting only for more money and less hours. But, back of all that we are interested in the uplift and upbuilding of our organizations. In other words, we are trying to lift the members of these organizations to a higher standard of citizenship. And I say it without fear of successful contradiction, that these railroad organizations stand second to none in the standard of their members who make up the citizenship of this country. We have always tried to have every man take a civic pride, take a pride in the city and town where he lives, and take an interest in all kinds of work going on in the community. We have men on school boards and on the councils of different towns, trying to improve the personnel of the country and trying to have our men be citizens of the highest type.

I want to file another exhibit with you, to show you what we go up against. This is exhibit No. 18.

(The document so offered and identified was received in evidence and thereupon marked "Employes' Exhibit No. 18, received in evidence December 17, 1914.")

Mr. Stone: It is a well known fact, or at least it is common rumor, if it is not a well known fact, that the Southern Pacific Railroad owned the state of California for years, and controlled it politically; and so long as things went along all right, and our men followed blindly in the lead, that was all right; but when men commenced to think for themselves, it was all wrong.

This is a letter from a conductor. He simply announced himself in a card in the paper as a candidate, subject to the Republican primaries, for nomination for the office of sheriff. This is dated Tucson, Arizona, July 4, 1914.

Mr. J. G. Compton,
Conductor—Tucson.

Dear Sir: For your personal information, it is the policy of this company that its employees be not permitted to enter a political race for a municipal or state office. It is considered advisable to attend strictly to the business of railroading and let politics alone.

In expressing this opinion, it is understood, of course, that this company does not attempt to deny any man his political convictions, but this should not be understood as indicating that our employees should take a prominent part in political line-ups or run for office.

I have noted in the Tucson papers a card from you announcing your candidacy for sheriff, Pima County, and if you desire to run for that office it will be necessary for you to resign your position with this company.

(Signed) T. H. WILLIAMS,
Superintendent.

He could not even be a candidate for an office without resigning his position, to say nothing about election. There would have been time enough to have said to him that he should resign, if he was elected; but he could not even be a candidate.

The same holds good if a man wants to run for a member of the school board, or councilman in his ward. And I believe it is only one step further to issue a bulletin next year and say "You must all join the Methodist Church." It is along the same line.

Mr. Park: Is it not a fact, Mr. Stone, that to have an official or employe running for political office compromises the company? They are not unwilling, if he wants to lay off and take a leave of absence, and enter the race for some office, and leave the service, if he gets it; they are not unwilling he should do that.

Mr. Stone: This does not say so. It says, if you desire to

run for that office, it will be necessary for you to resign, not lay off, from the service of this company.

Mr. Park: Does that apply to all employes on the Southern Pacific?

Mr. Stone: In road service, yes. I have another one here along the same line.

I also wish to file Exhibit No. 19, on the same subject.

(The document so offered and identified was received in evidence and thereupon marked "Employes' Exhibit No. 19, received in evidence December 17, 1914.")

Mr. Stone (reading):

"Office of R. J. Clancy,
Assistant to General Manager.
Southern Pacific Company.
June 26, 1914.

Mr. Frank W. Ingram,
Box 11, Sparks, Nevada.

Dear Sir: I have yours of June 20, from which I infer that it is the intention of Mr. Robert F. Cole to be a candidate for the legislature from that district.

I know Mr. Cole very well and favorably, and if I did not, your endorsement of him would be sufficient. The fact is, however, that the Vice-President and General Manager, because of the numerous instances arising at various points on the line where employes are being encouraged to engage in politics and run for office, about two months ago issued a ruling prohibiting employes from doing so. For this reason an employe cannot engage actively in politics without leaving the service.

I fully appreciate the advantages that would come from having men in the legislature who thoroughly understand the railroad business, but in the light of instructions issued by the Vice-President and General Manager, employes of the Company in any branch of the service cannot aspire to office without first resigning from the service.

Thank you for bringing this to my attention and hoping that I may have the pleasure of seeing you when I am out on the line in your territory, I am,

Very truly yours,
(Signed) R. J. CLANCY."

Mr. Park: Who was Mr. Ingram?

Mr. Stone: Mr. Ingram is our local Secretary-Treasurer at Sparks, Nevada.

Mr. Park: He is an engineer?

Mr. Stone: Yes, sir, and this man Cole, who wanted to run for the legislature, is a fireman in the employ of the Southern Pacific Company at Sparks, Nevada. I simply bring this out to show that while they do not exactly disfranchise a man, it has that effect. It is all right to say that if a man does not like these regulations he can quit, but the average man cannot quit; he is compelled to work and make a livelihood.

Mr. Sheean: I would like to ask one question about this Exhibit 17. Apparently the rules of most of the roads on which they have this Brown system—I haven't the Southern Pacific before me—but isn't there a provision generally in the schedules, that no engineer shall be disciplined or discharged and no demerit marks entered in his record without having an opportunity to be heard?

Mr. Stone: I think that is true, but it is not always followed out. For example, we have here a ten day demerit mark entered against an engineer on the Atlantic System of the Southern Pacific for a drawhead accident that he never knew anything about until after he had been notified that the demerits had been given him.

Mr. Sheean: If that is the case, some local superintendent has violated the specific provisions of the schedule of the Southern Pacific.

Mr. Stone: In reply to that, I would like to say that 90 per cent of the work of myself and my associates and the committee work of this organization is because of some local official violating some particular article of an agreement. If they all lived up to the provisions, it would not be necessary to have six men in the field and have all of these general committees.

Mr. Sheean: About the imposition of the demerit marks, as I understand one of the questions asked, some complaint was made as to the propriety or impropriety of certain demerit marks imposed, and I want some light on the question whether the schedules do not ordinarily make provision that no demerit mark shall be charged against the engineer's record until after the company has made a proper investigation or unless he has

in writing waived the investigation and agreed to the charges against his record—some similar provision.

Mr. Stone: Something along that line.

Mr. Sheean: And the same right of appeal is to apply here that is given in the case of actual discipline on some roads, that ordinarily obtains with reference to the paper discipline.

Mr. Stone: Yes. For example, if a man is given ten demerits, it would probably cost the organization a thousand dollars in committee work to appeal on up to the different officials to get that removed, and a great many times the man will say that he will let it go, that he had rather accept it than to put the organization to the expense and trouble of appealing it. Unfortunately, it keeps building up all the time.

Mr. Sheean: Your complaint, then, is against the honesty of purpose of certain particular individuals, on different roads, rather than as to the propriety of the rules and regulations which the management of these roads promulgate as between their employes and themselves?

Mr. Stone: My complaint is against the rotten system of discipline where a man can never get his record clear, and it follows him over onto the next two or three roads where he may get jobs.

Mr. Sheean: If that is a truthful record, made after a full hearing, do you think it is improper that railroads should keep records, in accordance with the actual facts, so that in case they have to meet any charge that they continue in their employ people known to be habitually careless or negligent, that they shall falsify their records?

Mr. Stone: No, sir, we do not ask the railroads to falsify their records; neither do we want the railroads to put a record on an innocent man to relieve some operating official, as they sometimes do.

Mr. Sheean: Then the complaint is not as to the record but as to the way in which some officials make that record?

Mr. Stone: The principal complaint of the record is that a man can never get his record clear. Even when he is discharged and has paid the full penalty of his crime, it follows him onto some other road and then meets him there.

Mr. Sheean: Do I understand that the complaint is that if a man has, at some time, failed, but that has been cancelled

by subsequent good behavior, that it is the position of the organization which you represent that his record should be precisely the same as a man who had never failed and who had not had to have it wiped out by a subsequent good record?

Mr. Stone: For example, it takes 95 demerit marks on this particular road to discharge a man. When you have received 95 you are discharged—90, they say. What I mean to say is this, if I had 50 demerit marks and I had cleared that record, if, for some offense I get 30 more, after my record has been cleared, I do not want them to go back and add the 60 that I had cleared with 30 given me now, and to say "Your page is full," and I am discharged; and that is what they do at the present time.

Mr. Sheean: This record does now show that, does it? This shows 95 as to which there had been no cancellation at the time.

Mr. Stone: I think any of these operating officials will say to you that they reserve the right to refer clear back to the beginning and review your record at any time.

Mr. Sheean: Mr. Campbell, of the Southern Pacific, asks that we be furnished with a case in which cancelled demerit marks were used as the basis for discharging a man. I understood from this that there were at this time 95 uncancelled, and if the practice is to actually make use of cancelled demerit marks in discharging any individual, I would like to have a case.

Mr. Stone: All right, we will be glad to give you some. This last assessment of twenty,—you will notice he got twenty days, while before that they had never given him but ten.

Mr. Park: Oh, yes, he got sixty in one case and thirty in another.

Mr. Stone: For breaking a train in two he only got ten. The price went up after they got ready to discharge him.

Mr. Burgess: Mr. Stone, what was the cause of the strike on the Southern Pacific; the recent trouble there, I mean, with the trainmen, including of course the engineers and firemen—was that not due to discipline, to a very large extent?

Mr. Stone: I think the trouble was they had a lot of discipline cases that they were unable to adjust.

Mr. Burgess: Which led to a stoppage of that line for three days?

Mr. Stone: Yes, sir, the four organizations went in the strike. It became so rank that they finally decided that forbearance had ceased to be a virtue, and they struck because they could not adjust these cases.

Mr. Burgess: There were no demands for increased compensation or better working conditions?

Mr. Stone: No, the only thing in God's world they wanted was a square deal and they didn't get it.

Mr. Park: Didn't they want the records adjusted after they were made; each time ten demerits were given, that they would come in and make an investigation?

Mr. Stone: I will be very glad to file with the Board, if it is germane to the subject, the entire case of the Southern Pacific, in all four organizations, and what they struck over.

Mr. Carter: Mr. Chairman and gentlemen of the Board, I will read from page 683 of the proceedings of December 9th:

"Mr. Sheean: Now, then, under 3 (b), I would like to know whether you did obtain information as to what part of the 3.44 years was put in at firing and what part as an engineer.

"Mr. Carter: I did not; but if the Board will permit it, we will recall the exhibits or volumes, and I will have that statement for you within a very short time.

"Mr. Sheean: I understand that the basic figures are simply here so as to be accessible to the Board or to either of the parties, for such purposes as they may be needed.

"Mr. Carter: My reply was predicated upon the understanding that you wanted that information. I will prepare it for you.

"Mr. Sheean: If that can be readily prepared, Mr. Carter, I should like very much to have it."

By referring to Exhibit 8, the matter under discussion was that which appears in the first paragraph beneath the table. I will read:

"It appears from this table that the average age as engineer of each of these firemen was 3.44 years."

The table referred to is found on pages 32 and 33. In compliance with the request, the information has been prepared, and I shall ask that it be read into the record, as it was impossible to have a sufficient number printed for exhibits.

I may say that in the preparation of this specific information, we find that there are some inconsistencies on the part of the railroads in Form 15. For instance, they may give the date of the promotion of the fireman, as his first date, and then show how many years of service, and so forth, as fireman or engineer, and the two combined may not be quite as much. The conflicts, however, are not of great importance; but they are such as to make this statement slightly different. You will note by referring to the table on pages 32 and 33, Table 6 of Exhibit 8, that there is no average at the foot of that table; but in the paragraph quoted, I say, "It appears in this table that the average age as engineer of each of these firemen was 3.44 years." We find that by taking each individual report and ignoring some of the contradictions we had found, it has increased to four years and two days, which is somewhat longer than we had first reported. We find that the total number of seniority districts reported is 312, and the average seniority of the oldest engineer then firing on each district was four years and two days. The average time worked as engineer was two years, two months and eleven days. The average time worked as fireman was one year, six months and eleven days. The average time not accounted for was three months and ten days. It is that average time not accounted for that makes the discrepancy between 3.44 years, as it appears in Exhibit 8, and 4 years and 2 days, as it appears in this table, which I shall ask, with your permission, to have placed in the record of today's proceedings.

The tables showing "Engineers Longest in Service (As Such) Firing Locomotives on February 1st, 1914," are as follows:

ENGINEERS LONGEST IN SERVICE (AS SUCH) FIRING LOCOMOTIVES ON FEBRUARY 1, 1914.

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
The Atchison, Topeka & Santa Fe Railway Company (Eastern Lines)		Yrs.	Mos	Days	Yrs.	Mos	Days	Yrs.	Mos	Days
Illinois District	Kipp, Otto G.	3	9	25	..	26	15	..	3	10
Missouri District	Tietge, Homer	5	5	24	.	34	7	..	6	4
Eastern District	Spaulding, C. W.		5	19		3	10		1	15
Southern Kansas District	Peckham, R. D.	5	6	4	..	2	..	..	62	..
Middle District	Johnson, Charles	3	2	9		28	.		11	.
Oklahoma District	Haynes, Clinton C.	4	6	10		17			40	

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos	Days	Yrs.	Mos	Days	Yrs.	Mos	Days
The Atchison, Topeka & Santa Fe Railway Company (Western Lines)—①										
Arkansas River Division	Varnet, Harry R	1	3	..	..	7	..	..	8	..
Western Division	Murphy, Berned	1	11	..	..	4	..	..	19	..
Colorado Div.—First Dist.	Bennett, D. S.	2	1	..	..	6	..	..	19	..
Colorado Div.—Second Dist.	Thackeray, E. H.	4	3	..	..	18	..	..	33	..
New Mexico Div.—First Dist.	Lohmaugh, M.	..	6	..	..	4	..	..	2	..
New Mex. Div.—Second Dist.	Mohman, H. H.	..	6	..	..	5	..	..	1	..
New Mex. Div.—Third Dist.	Trainor, L. C.	3	8	..	..	28	..	..	16	..
Rio Grande District	Fellabaum, J.	..	10	..	..	9	..	..	1	..
Panhandle District	Taylor, W. C.	4	7	11	..	54	..	..	1	..
Plains District	McAlister, W. E.	3	3	..	..	36	..	..	4	..
Pecos District	Ware, H. E.	3	9	..	..	30	..	..	13	..
The Atchison, Topeka & Santa Fe Railway Company (Coast Lines)—②										
Albuquerque-Third District	*Hosler, S. L.⑨	4	1	14	..	47	..	..	1	..
Arizona District	*Ackerley, W. K.③	2	1	10	..	22	..	..	2	..
Valley District	*O'Brien, J. E.	1	5	15	..	17	15	..	..	15
The Grand Canyon Railway ⑦										
The Atchison, Topeka & Santa Fe Railway Company (Santa Fe, Prescott and Phoenix Lines)—										
Santa Fe, Prescott & Phoenix Lines	*Shaw, S. B.	1	2	..		3	..	..	11	..
Gulf, Colorado & Santa Fe Railway—										
Galveston District	*Miesner, O.	1	2	24	..	11	.		4	..
Temple District	*Ricks, M. E.	6	6	5	..	74	..	..	4	..
Cleburne District	*Beard, C. G.	6	7	15	..	75	.	..	4	..
Gainesville District	*Freeman, L. O.	6	5	12	..	53	.		24	..
Brownwood District	*Loe, A. S.	8	..	1	..	92	..		4	..
The Gulf & Interstate Railway ④										
The Texas & Gulf Railway— Longview District	*Graham, C. J.	1	3	7	..	12	15	..	4	15
The Baltimore & Ohio, Chicago Terminal Railroad Company— ⑤	*Lannon, John	3	..	11	..	27	.	.	10	..
Canadian Northern Railway ⑥	Seabrook, G. E.	2	7	.	.	26	..	..	5	..
Duluth, Winnipeg & Pacific Railway ④										
Canadian Pacific Railway (Western Lines)—										
Manitoba District	*Kirk, D.	5	4	21	..	30	..	.	35	..
Saskatchewan District	*Carlyle, W.⑤	2	8	14	.	32			..	..
Alberta District	*Patterson, D. H.⑧	2	4	6	.	28	..	.	..	..
British Columbia District	*Blackhall, W. P.	2	1	..	..	24	..	..	2	..
Chicago Great Western Railroad—										
Eastern Division	Stockwell, R. M.	4		..	.	33			15	..
Western Division	*Reed, R. L.		4		.	1	10	.	1	..
Northern Division	*Steuckert, E.	2	1	.	..	10		.	17	..
Northern Branch	Hill, C. F.	2		..		17			9	..
Southern Division	*Dooley, A.		6	12	..		15	..	6	.
Chicago & Alton Railroad—										
Northern & Southern Dists.	*Anderson, V. S.	1	4	12	.	1			17	..
Western Division	*Bishop, J. G.	2	5	15		25	15		4	.

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos.	Days	Yrs.	Mos.	Days	Yrs.	Mos.	Days
The Chicago & Western Indiana Railroad Company and The Belt Railway Company of Chicago—										
⑨	*Wilkie, Charles ⑩		4	4		4	1			
Chicago Junction Railway ⑪										
The Colorado & Southern Railway—										
Wyoming District	Krafezik, T. J.	3			12			27		
Ft. Collins District	Smith, R.		3		2			1		
Clear Creek District	Williamson, G.⑫	10								
Pueblo District	Scheder, F.⑫	4								
Denver Yard District	Johnson, C.	4			16			34		
Platte Canon District	Nicholls, J. P.	11			140			19		
Leadville-Gunnison District	Conroy, M. J.	12			117			19		
Southern District	Slaughter, W. L.⑫	4			33			15		
Chicago, St. Paul, Minneapolis & Omaha Railway—										
Eastern Division	*Koppen, R. F.⑬	3	4	12	28			11		
Northern Division	*Borst, M. Whitney ⑭	3	7	29	30			11		
M. & I. East Division	*Brown, C. A.⑭	3	8	15	13			30		
M. & I. West Division	*English, E. E.⑭	3	8	3	20			23		
Nebraska Division	*Buck, Earl O.⑮	3	7	17	10			28		
Chicago & North Western Railway—										
Wisconsin District	*Meade, E. S.	7	2	19	29			59		
Northern Wisconsin District	*Berrell, G. R.	4		27	12			36		
Galena District	*Wheeler, A. H.	6		14	15			58		
East Iowa District	*Quick, Geo. S.	6	11	27	42			36		
West Iowa District	*Fletcher, A. B.	7	3	26	55			23		
Iowa & Minnesota District	*Walker, O. P.	1		26	4			9		
North Iowa District	*Birdsell, C. C.	7	2	13	13			74		
Sioux City District	*Chilton, C. B.	4	5	15	22			32		
Madison District	*Miller, John	4	3	6	36			17		
Lake Shore District	*Deshois, A.	5	2	15	12			51		
Ashland District	*La Blond, C.	6	11	21	31			53		
Peninsula District	*Kissick, A. G.	7	5	11	50			30		
Minnesota District	*Carpenter, F. L.	4	3	18	26			28		
Dakota District	*Eldridge, D.	5	10	1	58			12		
Lines West District	*Mandelko, C.	7	9	23	57			37		
Pierre, Rapid City & Northwestern Railway—										
P. R. C. & N. W. Ry.	*Fulton, H. A.	8	1	1	67			30		
Wyoming & North Western Railway—										
Wyoming & North Western District	*Nye, B.	6	3	27	19			46		
Chicago, Burlington & Quincy Railroad —										
Aurora Division	Hamilton, P. A.	3	3		26			13		
Galesburg Division	*Hudson, C. B.	1	11	12	10	15		23	15	
La Crosse Division	*Kimble, O. J.	3	11	11	31			17		
Burlington Division	Knebel, C. G.	13	5		65			96		
East Ottumwa Seniority Dist.	Christensen, W. C.	1	3		2			13		
W. Ottumwa Seniority Dist.	Sheridan, Wm.	3	11		4			13		
Creston Division	*Stump, J. J.	4		23	17			32		
Centerville Division	*Cambron, J. E.	5	6		40			27		
Hannibal Division	*Waters, O. B.	6	2	28	39			36		
Brookfield Seniority District	*McDowell, V. L.	6	4	25	16			49		
St. Joseph Seniority District	*Cation, Chas.	3	10	14	5			17		
Beardstown Seniority Dist.	*Huss, H. H.⑰		2	13				2	13	
Omaha District	*Morgan, M. J.	4		21	7			32		
Lincoln District	*Storkan, M.	4	1	10	23			15		

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs	Mos	Days	Yrs	Mos	Days	Yrs	Mos	Days
Chicago, Burlington & Quincy Railroad (Continued) —										
Wymore District	*Riefel, G. A.		7	21	..	6	..	..	..	..
McCook District	*Smith, C. M.	1	3	18		36		..	16	..
Denver District	*Stewart, W. W. (5)		4	24		..		..	5	..
Alliance District	*Johnston, E. A.	5	4	1	..	21			43	..
Sheridan District	*Randolph, J. B.	4	4	1		23		..	29	.
Sterling District	*Cooper, W. L.	4	2	13		13			38	..
Chicago, Milwaukee & St. Paul Railway Lines East of Mobridge										
Chicago & Milwaukee Dist.	*Higgins, W. B.	8	1	24	..	32		.	53	..
C. & C. B., Ill. District	*Nelson, G. E.	5	6	11		31			27	..
C. & C. B., Iowa District	*Leonard, W. S.	6	3	25		23		.	12	..
Chippewa Valley District	*Brandecke, W.	6	5	18		58			11	..
Black Hills District	*Williams, C. F.	6	6	7		35			39	..
Dubuque District	*Coon, F. W.	4	2	14		10			25	.
Hastings & Dakota District	*Young, A. D.	4	3	24		41			10	..
Iowa & Dakota District	*Kirch, E.	3	11	9		31		.	17	..
Iowa & Minnesota District	*Hale, A.	8	4	13		23			68	..
W. Hastings & Dakota Dist.	*Burlock, F.	4	5	25		41			12	..
Kansas City District	*Holselaw, W. J.	10	5	14		33		.	64	..
La Crosse District	*Beattie, Geo.	10		15		18		.	70	..
Mineral Point District	*Webb, C. S.	3	11	23		4		.	42	..
Northern District	*Baker, J. F.	7	4	1	.	23		.	33	..
Prairie du Chien District	*Fahringer, J.	7	5	5		31		..	33	..
Racine & Southwestern Dist.	Mackin, D. R.	7	5	1	..	35		..	34	..
River District	*Rogowski, E.	3	4	13		29		.	10	.
Sioux City & Dakota District	*Ogaw, W.	4		1	..	32		.	11	..
So. Minnesota District	*Lorenz, J. W.	7	2	24		45			28	.
Superior District	*Ford, Henry	4	7	18	..	12		..	33	..
Wisconsin Valley District	*Streeter, W. A.	1	9	16		1		.	20	.
Chicago, Milwaukee & St. Paul Railway Puget Sound Lines—										
Trans-Missouri District										
Musselshell District	Beaver, J. O.	2				18			6	..
Rocky Mountain District	Armey, Ira	2	9			20	15		11	.
Missoula District	Burns, J. F.		9			7			1	15
Columbia District	Peck, H. C.	2	1	.		22			2	.
Coast District	Berg, John	3	11			44		.	2	..
Bellingham & Northern Railway (1)	Penegor, W. J.	1	5			12			5	..
Tacoma Eastern Railroad—										
Tacoma Eastern District	Bunnell, F.	1			..	40		.	2	.
Chicago, Rock Island & Pacific Railway— (8)										
Illinois Division—First Dist.	*Maloney, M.	2	..	1	..	13	..	..	5	..
East Iowa District	*Bateman, H.	2	11	10	..	25	..	..	10	..
West Iowa District	*Shepard, Ed.	1	4	20	..	7	..	..	10	..
Rock Island to Eldon Dists.	*Walker, W. G.	8	5	25	..	94	..	..	9	..
Eldon Mo. River & St. Joe Horton Districts	*Stuart, W. A.	3	3	19	.	27	..	..	23	..
Cedar Rapids Division	*Reif, O. H. (7)		4	2	..	..	..	..	4	..
Minnesota Division	*Sund, Chas.	1	2	6	..	10	..	..	11	..
Dakota Division	*Skinner, H. D.		4	11	..	1	..	..	5	..
D. M. Valley Division	*Bergen, C. C.	1	..	29	..	10	..	..	3	..
St. Louis—Second District	*Silsby, J. C.	3	10	17	..	45	15	..	1	..
Kansas District	*Singleton, L. E. (9)	3	4	10	..	16	15	.	5	15
East El Paso District	*Roach, T. P.	1	4	4	..	8	..	..	9	..
West El Paso District	*Hawkins, V. J.	8	11	12	.	72	..		36	..

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos.	Days	Yrs.	Mos.	Days	Yrs.	Mos.	Days
Chicago, Rock Island & Pacific Railway (Continued)—										
Nebraska District	*Chase, Fred C.	2	11	27	..	20	15	..	16	15
Colorado District	Gregory, C. W.⑯	6	5	..	..	55	..	..	13	..
Arkansas—Third District	Daniels, J. E.	..	5	..	..	4	26	..	..	4
Louisiana District	Elam, Ben	3	5	29	..	16	..	..	26	..
I. T. & Panhandle Districts.	Barnes, Roy S.	6	4	..	..	60	..	..	16	..
Oklahoma District	*Wilks, Oscar	6	1	1	..	57	..	..	16	..
Southern District	*Whetley, H. C.	..	6	2	..	4	..	..	3	7
The Denver & Rio Grande Railroad—										
1st Div.—1st Seniority Dist..	Williams, D. C.	9	3	..	..	109	..	..	2	..
1st Div.—2nd and 3rd Seniority Districts	Hartman, Henry	7	4	..	..	88	..	..	1	..
2nd Div.—1st Seniority Dist.	Shine, J. S.	5	2	..	..	60	..	..	2	..
2nd Div.—2nd Seniority Dist.	Sisk, J. W.	4	6	..	..	33	..	..	21	..
3rd Div.—1st Seniority Dist.	Fitzsimmons, F.	5	6	..	..	58	..	..	7	..
3rd Div.—2nd Seniority Dist.	Freeman, C. D.	4	6	..	..	47	..	..	7	..
Fourth Division	Wellington, F. B.	5	2	..	..	42	..	..	20	..
Green River Division	Addison, C. O.	4	..	..	..	25	..	..	23	..
Salt Lake Division	Weeter, R. O.	2	7	..	..	28	..	..	3	..
Duluth, South Shore and Atlantic Ry.—										
⑤	*Gospar, P. M.	2	..	..	..	20	..	..	4	..
Mineral Range Railroad—										
⑤	*Bernard, W.	7	11	1	..	89	..	..	6	..
El Paso & Southwestern System—										
Eastern District	*Andrews, G. C.	2	10	6	..	8	..	..	27	..
Fort Worth & Denver City Railway Co.— ④										
The Wichita Valley Railway Company— ④										
Great Northern Railway—										
First District	*Standfield, W. J.	7	4	9	..	68	..	..	22	..
Second District	*Doer, R.	4	4	15	..	26	15	..	27	15
Third District	*Corvin, D. S.	6	5	29	..	41	..	..	38	..
Fourth District	*Jestin, T.	2	3	3	..	23	..	..	5	..
Fifth District	*Melsness, C. P.⑤	4	4	23	..	5	..	..	47	..
Sixth District	*Pratt, B. L.	..	2	23	..	2	..	..	1	..
Seventh District	*Jockline, S.	1	2	22	..	5	..	..	11	..
Eighth District	*Palmer, Henry	1	3	21	..	4	..	..	11	..
Ninth District	*Bancroff, W. F.	1	6	17	..	18	..	..	1	..
Tenth District	*Keeler, N. L.⑤ ⑩	3	8	21	..	43	..	..	1	..
Illinois Central Railroad—										
Chicago District	*Sandaker, G. A.	8	3	23	.	30	.	.	70	..
B. P. & T. District	*Francour, J. O.	1	3	4	.	7	.	.	8	..
Champaign District	*Lohman, S. B.	10	3	21	..	26	..	.	98	..
Centralia District	*Schilling, J. F.	1	7	13	.	7	.	..	13	..
St. Louis District	*Hancock, N. L.	1	7	11	.	12	..	.	8	..
Peoria & Mattoon Districts.	*Gano, J. H.	1	2	13	.	8	..	.	6	..
Indianapolis Districts	*Burner, O.	1	2	14	..	5	.	.	9	..
Springfield District	*Eick, G. F.	7	3	17	.	33	..	.	54	..
Clinton District	*Hessman, H. C.	3	2	29	..	22	..	.	17	..
Havana District	*Simpson, G.	1	..	27	..	3	..	.	10	.
Rantoul District	*Ives, Gratton	6	3	0	..	6	..	..	69	..
Freeport District	*Naples, A. F.	2	4	16	.	11	.	.	15	..
Amboy District	*Blemaster, R. J.⑰	..	3	29	..	.	..	.	4	..
Dubuque District	*Trumbauer, J. E.	6	10	14	..	41	..	..	40	..
Waterloo District	*Koch, W. F.	6	10	12	..	20	.	.	63	..
Omaha District	*Carroll, T. J.	8	1	17	.	22	..	..	76	..

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos.	Days	Yrs.	Mos.	Days	Yrs.	Mos	Days
Illinois Central Railroad (Continued)—										
Cherokee District	*Hull, S. M.	10	6	24	..	18	..	..	109	..
Evansville District	*Jeffries, H. D.	6	2	21	..	14	..	..	61	..
Louisville District	*Peterson, J. O.	7	9	14	..	20	15	..	52	15
Paducah District	*Edson, F.	6	1	19	..	31	..	..	43	..
Fulton District	*Ivie, J. A.	3	2	16	..	16	..	..	23	..
Cairo District	*Pomeroy, C. L.	2	8	13	..	16	..	..	17	..
Birmingham District	*Pearce, L. H.	1	8	24	..	5	..	..	16	..
Jackson & Water Val. Dists.	*Storms, Frank	4	1	9	..	34	..	..	15	..
Grenada District	*Ferriday, W. L.	2	8	24	..	14	15	..	18	15
Canton & McComb Districts.	*Hafen, C. H.	2	8	0	..	12	..	..	20	..
The Yazoo & Mississippi Valley Railroad ①										
International & Great Northern Ry.—										
San Antonio District	Ballance, C. A.	7	1	..	..	34	..	..	48	..
Ft. Worth District	Allen, J. L.	2	2	..	..	14	..	..	14	..
The Kansas City Southern Railway, including Texarkana & Ft. Smith Ry.—										
K. C. Terminal District	Grundman, F. W.	1	5	..	1	4	26	..	..	5
1st and 2nd Seniority Dists.	Fairchild, H. W.	2	8	..	2	3	..	.	5	..
3rd Seniority District	Wright, F. E.	4	3	..	2	10	..	1	5	..
4th Seniority District	Stockard, S. H.	8	5	..	5	6	..	2	11	..
5th and 6th Seniority Dists.	Pynes, H. D.	3	9	..	2	..	..	1	9	..
Kansas City Terminal Railway ⑩					..	..	..	..	..	..
Louisiana & Arkansas Railway ①					..	..	..	..	..	..
Minneapolis, St. Paul & Sault Ste. Marie Railway—					..	..	..	..	..	..
Soo Division	*Steicher, Frank	4	4	17	..	30	..	..	23	..
North District	*Turnrose, E. A.	1	5	28	..	2	..	..	16	..
South District	*Smith, D. D.	3	1	12	.	8	..	..	30	..
Missouri, Oklahoma & Gulf Railway ①					..	..	..	..	..	..
Oregon, Washington Railroad & Navigation—										
First Division—First Dist.	*Robinson, W. E.	1	6	0	..	13	..	..	6	..
First Division—Second Dist.	*Lockead, R. C.	..	4	9	..	2	15	..	2	15
3rd and 4th Div.—1st Dist.	*Lowden, R.	1	4	27	..	13	..	..	5	..
3rd and 4th Div.—2nd Dist.	*Shank, H. P.	1	5	20	..	18	.	..	1	..
Missouri, Kansas & Texas Railway—										
Third Seniority District	*Spendiff, F. A.	4	1	12	..	40	..	..	7	..
Fourth Seniority District	*Mack, John	4	3	25	..	45	..	..	4	..
Fifth Seniority District	*Warren, O. W.	4	8	24	..	79	..	..	1	..
Missouri, Kansas & Texas Ry. Co. of Texas—										
Tenth Seniority District	*Kelly, E. C.	2	2	27	..	17	..	..	11	..
Eleventh Seniority District.	*Patterson, B.	2	2	22	..	11	..	..	19	..
Twelfth Seniority District.	*Standley, N.	10	10	16	..	61	..	..	19	..
Beaumont & Great Northern Railway—										
Beaumont & Great Northern	*Weems, Geo. J.	5	6	17	..	27	..	..	40	..
Texas Central Railroad—										
Texas Central	Clark, W. H.	..	17	..	..	7	..	.	10	..
Wichita Falls & North Western Railway—										
Wichita Falls & Northwestern	Goen, T. W.	1	5	..	..	10	..	..	7	..

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos	Days	Yrs.	Mos	Days	Yrs.	Mos	Days
Missouri Pacific Railway (St. Louis Terminal Division) ④										
(Eastern Division)	Tobin, F. P.	1	5	..	..	15	..	..	2	..
St. Louis	Speidel, E.	5	3	..	..	62	..	..	1	..
Sedalia										
(Kansas City Term. Div.)④										
(Central Kansas Division)	*Ryan, J. J.	4	2	4	..	49	..	..	1	..
Kansas City Council Grove	*Dinsmore, C. M.	5	..	12	..	52	..	..	8	..
Council Grove Hoisington										
(Colorado Division)	*Woodburn, J. C.	6	10	17	..	71	..	..	12	..
Hoisington	*Sands, H. H.	6	4	6	..	62	..	..	14	..
Horace										
(Omaha Division)④										
(Joplin Division)	*Reedy, Thos.	4	..	23	..	45	..	..	4	..
Joplin Division										
(Southern Kansas Division)	*Ryan, J. J.	4	2	4	..	48	..	..	2	..
Coffeyville	*Probst, J. W.	6	3	29	..	70	..	..	6	..
Conway Springs										
(Wichita Division)	*Carpenter, E. B.	5	5	1	..	52	..	..	13	..
Wichita Division										
(Northern Kansas Division)	*Cushing, J. D.	6	4	9	..	55	..	..	21	..
Northern Kansas Division.										
St. Louis, Iron Mountain & Southern Ry.										
(Illinois Division)										
Illinois Division	*Mellon, E. J.	1	..	*13	..	4	..	..	8	..
(Missouri Division)										
Missouri Division	*Coats, Wm.⑧	7	6	24	..	91	..	..	..	..
(White River Division)										
White River Division	*McNabb, M. F.	4	3	18	..	42	..	..	10	..
(Arkansas Division)										
Arkansas Division	*Mitchner, J. W.⑥	1	2	16	..	15	..	..	..	..
(Central Division)										
Van Buren District	*Bogleman, F.	3	2	5	..	28	..	..	10	..
Wagoner District	*Jones, W. O.	6	1	10	..	43	..	..	33	..
(Louisiana Division) ④										
(Valley Division) ④										
Northern Pacific Railway—										
La Superior District	Cooper, D. J.	4	2	..	..	14	..	..	36	..
St. Paul District	Leonard, J. E.	1	..	..	..	12	..	..	..	..
Minnesota District	Black, J. A.	7	1	..	..	71	..	..	14	..
Fargo District	Brenden, O. L.	8	5	..	..	82	..	..	10	..
Dakota District	Schroer, Richard	7	1	..	..	44	..	..	41	..
Yellowstone District	Stevens, W. L.	4	5	..	..	42	..	..	11	..
Montana District	Lulloff, Geo.	4	5	..	..	38	..	..	15	..
Rocky Mountain	Berthoud, W. B.	6	1	..	..	52	..	..	18	..
Idaho District	Dachs, John	3	8	..	..	36	..	..	8	..
Pasco District	Griffith, Thos.	4	5	..	..	52	..	..	1	..
Seattle District	Dray, R. H.	4	4	..	..	44	..	..	8	..
Tacoma District	Peters, F. S.	3	10	..	..	40	..	..	6	..
Oregon Short Line Railroad ④										
St. Louis & San Francisco Railroad—										
St. Louis Yard	Oltman, F. A.	6	3	..	..	57	..	..	18	..
Rolla District	Cale, E. A.⑰	..	4	..	..	..	..	..	4	..
Lebanon District	Morton, R. T.	4	2	..	..	27	..	..	23	..
Out of Monett	Binney, E. S.	6	7	..	..	74	15	..	4	15
High Line District	Blake, J. W.	3	8	..	..	4	..	..	40	..
Salem District	Bangert, L.㉒	25	5	..	..	..	..	..	..	..
Ft. Smith District	Jenkins, J. N.	6	5	..	..	62	..	..	13	..

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos	Days	Yrs.	Mos.	Days	Yrs.	Mos	Days
St. Louis & San Francisco Railroad (Continued)—										
Muskogee District	Irby, J. L.	1	11	..	..	6	..	..	17	..
Sapulpa to Oklahoma City	Atkins, F. H.	3	3	..	..	3	..	..	36	..
Oklahoma City to Quanah	Lloyd, F. W.	5	6	..	..	45	..	..	21	..
Ardmore District	McClelland, A. E.	6	4	..	..	51	..	..	25	..
Entire Western Division	Doremus, A. C.	5	6	..	..	64	..	..	2	..
Kansas City to Ft. Scott	Johnson, T. B.	7	7	..	..	46	..	..	45	..
Afton-Parsons	Conrad, John	7	5	..	..	80	..	..	9	..
Carthage Sub.	Binney, B. S.	6	6	..	..	8	..	..	70	..
Wichita Sub.	Kent, Thos.	7	6	..	..	22	..	..	68	..
Joplin Sub.	Barber, B. B.	1	5	..	..	12	..	..	5	..
Memphis Sub.	Huddleston, V.	6	4	..	..	38	..	..	38	..
Willow Springs	Huntress, C. W.	6	6	..	..	50	..	..	28	..
Current River	Ballard, Ray	9	11	..	..	48	..	..	71	..
Birmingham Sub.	Lewis, C. H.	..	10	..	..	5	..	..	5	..
Tupelo Sub.	Stamper, W. A.	1	5	..	..	12	..	..	5	..
St. Louis Sub.	Wilson, E. J.	2	3	..	..	26	..	..	..	15
Chaffee Sub.	Ewing, H. M.	2	3	..	..	26	..	..	..	15
Hoxie Sub.	Tines, J. E.	2	3	..	..	26	..	..	..	15
Leachville Sub.	S. F. Hill	..	9	..	..	8	..	..	..	15
St. Louis, San Francisco & Texas Ry. Co., including Ft. Worth & Rio Grande Railway Co.—										
Ft. Worth Sen. District	*Hogue, J.	..	9	22	..	1	..	..	8	..
New Orleans, Texas & Mexico Lines (4)										
St. Louis, Brownsville & Mexico R. R. (4)										
St. Louis Southwestern Ry Co. A. & M. (4)										
St. Louis Southwestern Ry. Co. of Texas (4)										
San Antonio & Aransas Pass Railway (4)										
St. Pedro, Los Angeles & Salt Lake R. R. Co.—										
Los Angeles	Wilhoit, B. J.		5	.	..	1	..	..	4	..
Salt Lake Dist.	Langenbacker, J. P. (6)	..	2	..	..	..	..	..	2	..
Spokane, Portland & Seattle Railway—										
Vancouver Div. & O. T. Ry.	*McDougall, J.	1	6	23	..	8	..	..	12	..
Astoria Division	*Ystad, O.	3	4	18	..	19	..	..	23	..
Terminal Railroad & Association of St. Louis										
St. Louis Merchants Bridge-Terminal Ry. (4)										
Wiggins Ferry (4)										
The Texas & Pacific Railway (4)										
Denison & Pacific Suburban Railway (4)										
The Weatherford, Mineral Wells & Northwestern Ry. Co.— (5)	Wicklund, A.	6	10	.	1	6	..	2	2	..
Trinity & Brazos Valley Railway— (5)	*Hagler, W. G.	1	2	16	..	5	..	..	11	..

Railroads and District	Name of Engineer Firing	Seniority as Engineer			Worked as Engineer			Worked as Fireman		
		Yrs.	Mos	Days	Yrs.	Mos	Days	Yrs.	Mos	Days
Southern Pacific (Pacific System)—										
Coast Division	*Grellman, Fred. M. L. Engr. ②	6	10	24	.	39	.		32	.
Western Division	*Morris, M. M. L. Engr	1	11	17	..	20	..	..	4	..
Stockton Division	*Stine, J. J., M. L. Engr.	1	4	23		10	..	..	8	..
Sacramento Division	*Hickman, F. S., M. L. Engr. ②	3	7	29		.			.	
Ogden-Carlin	*Roudebeush, W. F., M. L. Engr.	7	5	4	..	75	..	..	14	..
Shasta Division	*Dean, F. G., M. L. Engr	1	7	1	..	38	..	..	19	..
San Joaquin Division	*Sullivan, J. L., M. L. Engr. ②		4	24		4				
Portland Division	*Mecum, L. J.	..	6	27	.	7	15	..	..	15
Southern Pacific (Sunset Central Lines)—										
New Orleans District	De Bleux, W. A	1	6			3	.		13	.
Houston District	Armond, H.		3	.	..	1	..	..	2	..
San Antonio District	Noessel, V.	1	.		..	2	15		9	15
Victoria District	Greeson, T. A.	..	7			5	..	.	2	..
El Paso District	Shaw, O.	1	1	.	..	8	7	..	4	21
Houston & Texas Central	Loeffler, W. H.		7			3	.		4	.
Houston, East & West Texas	Bethel, M. B. ②		10			6	..	..	4	..
Union Pacific Railroad—										
Kansas Eastern District	Williams, E.	1	7	..		5	.	.	14	..
Kansas Western	Grubb, J. L.	3	11	..	..	19	..	..	28	..
Leav. Western (Kansas)	Christ, D. A.	4	2	..	..	11	..	..	39	..
Colorado—Northern	Hanson, John	1	3	..		5	..	..	10	..
Colorado—Julesburg	Ryan, John T.	1	3	..	.	5	..	..	10	..
Colorado—Denver	McFarland, E. R.	.	3	..		2		.	1	..
Colorado—Hugo	Ruggy, R. M.	3	3	..	..	14	..	..	25	..
Colorado—Ellis	Herman, F. C.		4	.		3	..	..	1	..
Wyoming—5th and 6th	Dawson, Chas.	3	3	..	..	10	..	..	29	..
Wyoming—7th	Bennett, R. T.	2	2	..	..	17	..	..	9	..
Wyoming—8th and 9th	Peterson, D. L.	4	1	..	..	16	..	..	33	..
Nebraska—1st	Reason, O. M.	1	10	..	..	11	..	..	11	..
Nebraska—2nd	Westphal, R.	3	4	..	..	18	..	..	22	..
Nebraska—3rd	Connelly, N. E.	4	1	..	..	16	..	..	32	..
Nebraska—4th	Lhamon, B. W.	3	3	..	..	24	..	..	16	..
Nebraska—O. R. V.	Kipt, J. A.	1	8	..	..	4	..	..	16	..
Union Stock Yards Company of Omaha, Ltd. ④										
Wabash Railroad—										
Detroit-Montpelier—3rd Dist.	*Mcellan, E. R.	2	..	26	.	21		..	5	.
Montpelier-Chicago—4th District	*Clark, C. S.	1	..	12	.	8	.	.	5	..
Penn. Division	*Johnson, A. L.	2	11	12	..	20	..	..	16	..
Chicago-Decatur—6-7-8	*McDonald, H.	3	1	5	..	19	..	..	18	..
Danville-St. Louis—9 and 13.	*Kendall, J. K.	2	1	13	..	18	..	..	7	..
Springfield	*Hill, G. C.	2	3	12	..	21	..	..	6	..
Moberly	*Schlotterbuck, S.	1	11	25	..	16	..	..	16	.
Western Pacific Railway—										
Western Division	Haskell, G. M.	1	8	..	..	1	..	..	19	..
Eastern Division	McKenna, Dan.	1	2	..	..	13	..	..	1	..
Total number of men	312	1124	1422	2809		13 8067	345		6 5657	334

① Following subsidiary Lines are included in this file: Southern Kansas Ry. Co. of Texas, Pecos & Northern Texas Railway Co., Rio Grande & El Paso Railroad Co.

② Information opposite paragraphs 1 to 6, inclusive, for Albuquerque 3rd Seniority District includes also data for the Grand Canyon Ry.

(4) Off 2 months.
(4) No promoted Engineers on list.
(5) No Seniority District given.
(6) Seniority extends over system west of Great Lakes.
(7) Included in A. T. & S. F. (Coast Lines)
(8) Did not work as Fireman.
(10) Promoted to Engineer, Sept. 27, 1913, and reduced to Fireman Feb. 3, 1914.
(11) No road service.
(12) Used him in emergency cases only.
(13) One month leave of absence.
(50) Off duty one month.
(2) Off duty 3 months.
(36) Off duty 5 months.
(37) Did not work as engineer.
(38) Chicago, Rock Island & Gulf Ry. included.
(39) Balance of time on leave of absence.
(28) Prefers firing to Engineers' Extra List.
(51) Off 4 months.
(52) Records incomplete.
(53) 12 months out of service account of injury.
(54) Records destroyed, unable to furnish information.
(55) Portion of 6 months as Engineer reported.
(56) Time computed from dates given.

Mr. Carter: Mr. Chairman and gentlemen of the Board, the first witnesses presented will be hostlers. We will then follow up the matter with a few firemen. Mr. Holloway, will you take the stand.

FRANK HOLLOWAY was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: Now, you state, in a distinct voice, your name and place of residence.

Mr. Holloway: Frank Holloway, Downers Grove, Illinois.

Mr. Carter: Where is Downers Grove?

Mr. Holloway: It is situated seventeen and a half miles west of Western Avenue roundhouse and twenty-one miles from Chicago proper.

Mr. Carter: What is your present occupation?

Mr. Holloway: Hostler.

Mr. Park: What road?

Mr. Carter: I will ask that.

Mr. Holloway: Chicago, Burlington & Quincy.

Mr. Carter: By what road are you employed?

Mr. Holloway: Chicago, Burlington & Quincy.

Mr. Carter: You are employed in Chicago, are you?

Mr. Holloway: Yes, sir; at Western Avenue.

Mr. Carter: Why do you reside at Downers Grove?

Mr. Holloway: Because in the vicinity of Western Avenue roundhouse there is no fit condition for a man to bring his family up in the way they should be brought up, the neighborhood not being a desirable neighborhood for an American citizen to live in.

Mr. Carter: Do other of your fellow employes live out on the line?

Mr. Holloway: Yes, sir.

Mr. Carter: Do you find it very inconvenient to live at Downers Grove?

Mr. Holloway: No, sir; about the same time is taken up in going to and from work that the average street car ride in Chicago would take, with less inconvenience.

Mr. Carter: You think you have no loss of time by the fact that you do live at Downers Grove?

Mr. Holloway: All the year around, I think I gain a little time, for the reason that the Burlington has good suburban service, and we are on time most of the time.

Mr. Carter: You find it is better for you and your work to live on the Chicago, Burlington & Quincy and use their suburban trains than to attempt to ride on the Chicago street cars?

Mr. Holloway: Much better.

Mr. Carter: I understand, also, the company by which you are employed kindly furnishes you with your transportation?

Mr. Holloway: Yes, sir.

Mr. Carter: You say you are a locomotive hostler?

Mr. Holloway: Yes, sir.

Mr. Carter: Will you describe the duties of yourself, as a locomotive hostler?

Mr. Holloway: Yes, sir. My duties are to report at 6 o'clock in the morning; but on account of the first train arriving at Western avenue I report at 6:15. Then, it is my place to go to the office and see what switch engines are left in the house to go out and work for the day crews. Then, watch the board and see if there are any extra engines or anything pertaining to my business that is to go out and see that that is done. Then go around the house and find out what engines are to be put in the shop, find out what engines are fired up, see that they are in proper condition. Then, all during the day, it is my place to be engine despatcher, taking all engines out, that is,

whether passenger or extra time freight and switch engines, or whatever the case may be. In the morning I bring the engines off the north pit and help on the switch engines on the south pit in the afternoon, and all the rest of the day, while I am not taking in and out engines I have to move the engines for the machinists whether they be under steam or not. If those engines should be happen to be dead, it is necessary to get a live engine and go on the table and put it behind them and spot them; what they call spotting, for the machinists, which is putting them in a position that the work can be got at, which means that I must not be out of sight all the time. I must be on hand where I can be called at any minute that I am wanted. Then, again, it is necessary to go out on the main line, up in the yard any place, any time, to get hold of a road engine, where the road crew's sixteen hours are up.

Mr. Carter: You say you go out on the main line sometimes?

Mr. Holloway: Yes, sir.

Mr. Carter: How long have you been employed in this capacity?

Mr. Holloway: Twelve years and two months.

Mr. Carter: In this same position?

Mr. Holloway: Same position.

Mr. Carter: Have you other hostlers employed with you?

Mr. Holloway: Yes, sir.

Mr. Carter: Explain the duties of each of these hostlers so employed, so as to show the Board what the hostlers' duties are?

Mr. Holloway: We have what we call the "diamond hostler," the coal chute hostler. His duties are to take the engine from the engine crew, from the road crew or switch engine crew, on arrival at the coal chutes; see that they are in proper condition and keep them in proper condition until such time as he hands these engines over to the man on the pit for the fire to be knocked.

In the meantime, he must blow out all engines, that is, blow a certain per cent of the water out for various reasons, get the mud out of the boiler. Then he takes sand and water, and takes them on whichever pit would be most convenient to put the engine over.

Then we have another hostler that helps bring engines in in the afternoon, and in the morning, and all day for that matter, he knocks fires on what we call the North Pit. We have two pits, the North and South Pit. He knocks fires all day, and in the afternoon he helps to bring in engines off that pit.

Then we have another hostler, what we call the South Pit hostler. He knocks fires in the morning on the South Pit; in the afternoon he takes one section of the roundhouse to fire up, that is, fires up the engine in the third section of the roundhouse. That concludes the work, as far as I know, with the exception that the coal chute hostler is invariably called to switch sand cars, or coal cars, or whatever little necessary details may be wanted done around the yards.

Mr. Carter: He does the roundhouse switching?

Mr. Holloway: I do, or the man at the coal chutes.

Mr. Carter: No, I say he does the roundhouse switching?

Mr. Holloway: Sometimes.

Mr. Carter: You don't mean to say that he goes out in the yard and performs regular services as a switch engine?

Mr. Holloway: He goes out and does the same work as a bad order engine does.

Mr. Carter: Does he have a switchman with him?

Mr. Holloway: No, sir.

Mr. Carter: Now, Mr. Holloway, you say you reach your work at 6:15 in the morning?

Mr. Holloway: Yes, sir.

Mr. Carter: Are you relieved at 6:15 in the afternoon?

Mr. Holloway: 6:15 P. M., yes, sir.

Mr. Carter: Then you work twelve hours?

Mr. Holloway: Yes.

Mr. Carter: And there must be a night man that works there?

Mr. Holloway: Yes.

Mr. Carter: Do these night men perform service similar to that which you perform?

Mr. Holloway: Practically the same.

Mr. Carter: What time do you get up in the morning?

Mr. Holloway: 5:45.

Mr. Carter: Are you not mistaken?

Mr. Holloway: Oh, yes, 4:45 I should say. Yes, sir, I am mistaken.

Mr. Carter: You get up at 4:45?

Mr. Holloway: Yes, sir.

Mr. Carter: I suppose you have someone prepare your breakfast for you?

Mr. Holloway: No, sir, I prepare my own.

Mr. Carter: And after you have eaten your breakfast you catch a train for Chicago?

Mr. Holloway: For Chicago, yes, sir.

Mr. Carter: How long are you enroute?

Mr. Holloway: From 5:33 to 6:14.

Mr. Carter: Then, when you arrive, you release the night hostler?

Mr. Holloway: Yes, sir.

Mr. Carter: In the evening the night hostler releases you at 6:15?

Mr. Holloway: Yes, sir.

Mr. Carter: What time do you get home?

Mr. Holloway: 7:05, if the train is on time, which it invariably is.

Mr. Carter: About how many hours are you away from home?

Mr. Holloway: Fourteen hours and twenty minutes, about.

Mr. Carter: Is your family up when you leave?

Mr. Holloway: No, sir, never.

Mr. Carter: Have you any children?

Mr. Holloway: Two, a boy and girl.

Mr. Carter: Do you ever see them in the morning?

Mr. Holloway: Never, not in the morning. I see them in bed.

Mr. Carter: What time do you get home at night?

Mr. Holloway: 7:05 or 7:10, on the average.

Mr. Carter: Do you see much of your family in the evening?

Mr. Holloway: About one hour, of the children.

Mr. Carter: How long have you worked there in this way?

Mr. Holloway: I worked continuous time, eleven hours

until a year ago, and then about this time they went up to twelve hours; we were put on twelve hours.

Mr. Carter: Then, up to say sometime ago, you worked only eleven hours?

Mr. Holloway: Yes, sir.

Mr. Carter: And now your hours have been increased to twelve?

Mr. Holloway: Yes, sir.

Mr. Carter: Your wages were increased at the same time, were they not?

Mr. Holloway: The one hour was added, yes, sir.

Mr. Carter: Then you are paid by the hour?

Mr. Holloway: Yes, sir.

Mr. Carter: What are you paid by the hour?

Mr. Holloway: Twenty-five cents an hour.

Mr. Carter: Therefore, for this service that requires you to be away from home upwards of fourteen hours each day, you receive three dollars?

Mr. Holloway: Yes, sir.

Mr. Carter: If you worked but eight hours at this same rate you would only receive—

Mr. Holloway: Two dollars.

Mr. Carter: Two dollars?

Mr. Holloway: Yes, sir.

Mr. Carter: Would you prefer to work eight hours rather than twelve hours?

Mr. Holloway: Well, I would prefer to work the eight hours, but I couldn't live on the salary.

Mr. Carter: You couldn't live on eight hours' pay at 25 cents an hour?

Mr. Holloway: Hardly.

Mr. Carter: You believe it is almost necessary for the support of your family that you do work twelve hours?

Mr. Holloway: Yes, sir, it is absolutely necessary.

Mr. Carter: Do you lay off very often?

Mr. Holloway: In 1913 I worked three hundred and fifty-one days out of three hundred and sixty-five.

Mr. Carter: Did you work every Sunday?

Mr. Holloway: I had three Sundays off during the year.

Mr. Carter: Did you work all holidays?

Mr. Holloway: Every holiday continuously, I think, through the year.

Mr. Carter: Did you work Christmas Day?

Mr. Holloway: Yes, sir.

Mr. Carter: Why did you?

Mr. Holloway: Because conditions existed so that they could not let me off.

Mr. Carter: How much have you laid off in the year 1914?

Mr. Holloway: I think thirteen days up until last Saturday, not including this time that I am off now.

Mr. Carter: You laid off this year more than you did last year?

Mr. Holloway: It was necessary; under the twelve hours you can't keep the game going.

Mr. Carter: You felt you had to lay off?

Mr. Holloway: Yes, sir, it is absolutely necessary.

Mr. Carter: And when you showed that it was absolutely necessary that you should lay off, the Company permitted you to do so?

Mr. Holloway: As far as they could, yes, sir.

Mr. Carter: Yes, as far as they could?

Mr. Holloway: Yes, sir.

Mr. Carter: There was no difficulty in procuring a lay-off or leave of absence to come here as a witness?

Mr. Holloway: No, they cheerfully assented.

Mr. Carter: As soon as you advised the proper officers that you were requested to come here as a witness, they made arrangements for you to come, did they not?

Mr. Holloway: Yes, sir.

Mr. Carter: Now, about these hostlers working outside, how much money do they get?

Mr. Holloway: What they are getting now compared to what they were getting—

Mr. Carter: I didn't ask you that. How much are they getting now?

Mr. Holloway: The coal chute hostler is now getting twenty-one cents an hour. The North Pit hostler is getting twenty-five cents an hour, the same as myself. The South Pit hostler is getting twenty-one cents an hour.

Mr. Carter: Did the "Diamond" hostler and the South Pit hostler always receive twenty-one cents an hour?

Mr. Holloway: Up to a year ago this time, they received twenty-four cents an hour, also the South Pit hostler.

Mr. Carter: I suppose their wages were reduced because their hours were reduced; is that not true?

Mr. Holloway: No, sir, they were working eleven hours at twenty-four cents an hour; and they were put on twelve hours and their wages cut to twenty-one cents an hour.

Mr. Carter: Were their wages cut because their hours were reduced, or their work was reduced?

Mr. Holloway: No, their work has been increased fifteen or twenty per cent.

Mr. Carter: And you don't know why their wages have been reduced?

Mr. Holloway: No, except they changed the title of the men at the same time.

Mr. Carter: Then, you think perhaps it was because of that change of title that they reduced the wages?

Mr. Holloway: Probably so, but they did not change the work.

Mr. Carter: What was their former title?

Mr. Holloway: Hostler.

Mr. Carter: What is their present title?

Mr. Holloway: Assistant hostler.

Mr. Carter: You say they do the same work?

Mr. Holloway: Exactly.

Mr. Carter: Except you say there is more of it?

Mr. Holloway: There is more of it, yes, sir.

Mr. Carter: Do you find that hostlers have helpers provided for their assistants in handling engines, cleaning fires and putting sand in and so forth?

Mr. Holloway: Yes, sir, at each pit there are three men, a hostler and two helpers.

Mr. Carter: Do you find that the hazard of your employment is increased by the incompetency of these helpers?

Mr. Holloway: Oh, yes, sir, quite a bit.

Mr. Carter: Do you find also that perhaps incompetent men are employed as hostlers?

Mr. Holloway: Yes, sir.

Mr. Carter: Do you believe that if men experienced as engineers or firemen were employed as hostlers, that this hazard to the interests of the company, and to the safety of the men, and to the convenience of the hostlers would be reduced?

Mr. Holloway: To a great extent, yes, sir.

Mr. Carter: You at least think they ought to speak English, do you not?

Mr. Holloway: Yes, sir, I do.

Mr. Carter: Do you think that "Safety First" could be preserved if you were to caution a man against some accident and he could not understand what you said?

Mr. Holloway: There have been times when it has been necessary—

Mr. Carter: No, just answer the question yes or no.

Mr. Holloway: Yes.

The Chairman: Is one required to have had experience as an engineer before he can be a hostler?

Mr. Holloway: On some roads, but on the Burlington you are supposed to be an experienced man around an engine before you can handle one.

The Chairman: I do not understand what you mean by an experienced man around an engine. What do you mean by an experienced man around an engine?

Mr. Holloway: A man that has handled engines. Take, for instance, you were in some position around a roundhouse; before I was a hostler I was a fire-up man. That gives you a good deal of experience in and around an engine, and then when they want to break you in as a hostler, they will put you in an engine with a hostler three or four days, and make an expert of you, because it requires you to be more of an expert around a roundhouse, because it is very exacting work on account of the space being so small. The round house was built for engines thirty years ago, and it is quite a trick now with these big engines to get an engine in and out of a roundhouse without knocking down the house or tearing the cab off.

Mr. Carter: How many years experience have you had as a hostler?

Mr. Holloway: Twelve years and three months.

Mr. Carter: Do you think you have learned very much as a hostler, since you started in?

Mr. Holloway: I have learned a whole lot since I started.

Mr. Carter: The question I asked you is, now, don't you think it would be for the best interests of all concerned, if every hostler had some experience in the handling of engines before he was installed in that position?

Mr. Holloway Yes, sir.

Mr. Carter: Do you believe that hostlers who are required to make main line movements should be paid a higher rate than men who are not required to perform this responsible service?

Mr. Holloway: Naturally so, yes, sir.

Mr. Carter: Do you know anything about the cost of living and its increase, if there be an increase?

Mr. Holloway: Yes, sir I know there has been an increase.

Mr. Carter: You haven't been home enough to know, have you,

Mr. Holloway: No, but my wife can tell me, and I believe her.

Mr. Carter: Do you pay the bills?

Mr. Holloway: She pays them.

Mr. Carter: You know there has been an increase?

Mr. Holloway: Yes, sir.

Mr. Carter: Within very recent years?

Mr. Holloway: About the last four or five years.

Mr. Carter: Maybe you are referring to the war prices?

Mr. Holloway: No, sir, I am not.

Mr. Carter: Before-the-war prices?

Mr. Holloway: Before the war. Generally, coming up and keep coming.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Holloway, when was it you started to work for the Burlington, about?

Mr. Holloway: August 2, 1901.

Mr. Sheean: That was at Western Avenue?

Mr. Holloway: At Western Avenue; yes, sir.

Mr. Sheean: Just what was your work when you first went to work there?

Mr. Holloway: When I went to work there I started as a wiper. I stayed at that a couple of months, and then I went to

work as a boiler maker's helper. Then they put me on as a boiler washer, and then I went to firing-up, and from the firing-up I went to hostler.

Mr. Sheean: About how long was it that you worked there about the shops and yards before you got to be a hostler?

Mr. Holloway: A little over a year; about a year and two months, I believe.

Mr. Sheean: A little over a year?

Mr. Holloway: Yes.

Mr. Sheean: And your observation had been that one familiar with the shop and the requirements there, and going through the stages of knocking fires and helping the hostler, finally becomes competent to act as hostler about the yard?

Mr. Holloway: Not until he has been put on an engine and learns how to run one.

Mr. Sheean: Yes, I say gradually, and in time.

Mr. Holloway: He cannot handle an engine, no matter if he has worked in the roundhouse for forty years, he cannot handle the throttle of an engine until he has had the experience and been actually on an engine with a man that knows how to learn him. He is not entrusted with an engine, otherwise, under any consideration.

Mr. Sheean: No; and the Burlington hasn't done that. They did just as they did with you; after you have had a certain experience round and about there, as a fire cleaner, and the other steps you have mentioned, then you are put on with a hostler who shows you the way to do the work?

Mr. Holloway: They did me, but they didn't the rest.

Mr. Sheean: Well, you were never a road fireman or a road engineer?

Mr. Holloway: No, sir; I did my firing in the house.

Mr. Sheean: And the experience that you obtained at Western Avenue has qualified you to perform all the duties you perform there in the moving of engines?

Mr. Holloway: Yes, sir.

Mr. Sheean: And you are thoroughly competent to do that work?

Mr. Holloway: Otherwise I would not be there.

Mr. Sheean: There are a great variety of duties, different kinds of work, in and about the taking of an engine after it has

made its road trip, and getting it prepared for the next road trip, are there not?

Mr. Holloway: Yes, sir.

Mr. Sheean: Some of the men that you say are now called hostlers over there, knock fires on engines that come in?

Mr. Holloway: Yes, sir.

Mr. Sheean: And build fires on those that go out?

Mr. Holloway: No, sir; that is the fire-up man's position.

Mr. Sheean: That is the fire-up man's duty?

Mr. Holloway: Yes.

Mr. Sheean: I thought you said, in one of the yards there, they did.

Mr. Holloway: They knock fires, not build fires. Knock fires.

Mr. Sheean: Knock fires in the morning?

Mr. Holloway: Yes, and then he fires up in the afternoon.

Mr. Sheean: He fires up in the afternoon?

Mr. Holloway: To help out in the afternoon rush, for merchandise and passenger trains.

Mr. Sheean: In the morning he is knocking fires?

Mr. Holloway: Yes, sir.

Mr. Sheean: And in the afternoon he is building fires?

Mr. Holloway: Building fires; yes, sir.

Mr. Sheean: You draw the distinction as to whether he is doing hostler's work part of that time, and at another part of it he is not doing it?

Mr. Holloway: In the morning he is doing hostler's work.

Mr. Sheean: That is, fire-knocking is hostler's work?

Mr. Holloway: Clinkers; they are termed assistant hostlers now, but he is a hostler because he handles an engine. He is a hostler.

Mr. Sheean: In the afternoon, when he is building fires, he is not a hostler?

Mr. Holloway: He is not a hostler for the time being, but he is only getting hostler's pay.

Mr. Sheean: Are any of the grease cups on engines filled over there?

Mr. Holloway: On the Burlington, on all freights and passengers.

Mr. Sheean: And is that done by the hostlers or assistant hostlers?

Mr. Holloway: No, sir, it is done by what they call the grease cup man.

Mr. Sheean: The grease cup man?

Mr. Holloway: Yes.

Mr. Sheean: Does the grease cup man, at any time, make any movement of the engine at all?

Mr. Holloway: No one on the Burlington, outside of the hostler, has authority to move an engine in the roundhouse. That is absolute.

Mr. Sheean: In the roundhouse?

Mr. Holloway: In and around the yards, without the company's permission. If anyone moved them without the company's permission, why, if anything happened, I suppose it would be up to them.

Mr. Sheean: Do any of these assistant hostlers move the engines?

Mr. Holloway: Yes, sir.

Mr. Sheean: The assistant hostlers do move the engines?

Mr. Holloway: Yes, sir.

Mr. Sheean: Do they move in all parts of the yard, the assistant hostlers, the same as the hostlers, or are they limited to particular parts?

Mr. Holloway: No, just wherever the occasion may arise that they need them.

Mr. Sheean: But the greater part of their work is put in at duties other than the moving of the engine?

Mr. Holloway: Yes. Of course, the coal chute hostler does nothing but move engines.

Mr. Sheean: The coal chute hostler does nothing but move engines?

Mr. Holloway: Just move engines, blow them out and put them to the sand or water crane.

Mr. Sheean: The coal chute hostler is about the only one at Western avenue, who puts in all of his time moving engines?

Mr. Holloway: He doesn't put in all his time moving engines. In the morning, or probably up to 2 or 3 o'clock; when we sidetrack switch engines, ready for the night engineers, then

it is his duty to drop those jobs and go down on the side track and take care of those engines.

Mr. Sheean: What does he do?

Mr. Holloway: Keep up the steam and water, keep them from freezing up, or anything that arises there that he is needed for.

Mr. Sheean: He watches all of the engines there?

Mr. Holloway: Just whatever happens to be on the side track, it may be one or two or ten.

Mr. Sheean: He don't have to make any movement with those engines there?

Mr. Holloway: He don't have to make any movement with those engines there. No, sir; if they have to be moved, it is my duty to do so.

Mr. Sheean: I believe you spoke of your position there being that of engine despatcher?

Mr. Holloway: Despatcher, yes, sir.

Mr. Sheean: At the present time?

Mr. Holloway: Yes.

Mr. Sheean: Have you ever worked at any other place other than at Western Avenue?

Mr. Holloway: I worked at Downers Grove roundhouse for about one year and four months. I was sent up there at night.

Mr. Sheean: How many engines are hostled at Downers Grove?

Mr. Holloway: There were, at that time, seven regular engines, but you usually had, about five nights out of the week, in the winter time, you had a sixteen hour tie-up, and sometimes a Construction along with you to help keep you company during the winter nights.

Mr. Sheean: On the engines that were ordinarily handled there, what was the force at Downers Grove?

Mr. Holloway: You were supposed to have three men, but I was usually alone.

Mr. Sheean: When you did have the three men as supposed, what work did they do and what did you do?

Mr. Holloway: One man would wipe, and the other man would help me on the engine.

Mr. Sheean: And what would he do in the way of helping you on the engine?

Mr. Holloway: Fire up, take care of the engines, and after the engines are put down onto the cars in the yard, after we switched the trains, put them over to the different points and different places, then it would be his duty to take care of those engines.

Mr. Sheean: Would he move any of those down there?

Mr. Holloway: He wasn't allowed to. He wasn't a hostler.

Mr. Sheean: What would you call him?

Mr. Holloway: Second man, we call him the fire-up man.

Mr. Sheean: Now, outside of the knocking of fires and the firing up of the engines, do they have other men to clean out the ash pans?

Mr. Holloway: That is amongst the duties of the two that I have just mentioned, the hostler helpers on the pit. One man helps to shake the grates, and the other man cleans the ash pan, and the other one, besides shaking the grates, he cleans out the front end.

Mr. Sheean: Well, who places the engine on the pit?

Mr. Holloway: The hostler.

Mr. Sheean: And in case, after placing it on the pit, does he remain on the engine while the fire knockers and cleaners do their work?

Mr. Holloway: He is the man who does the original punching.

Mr. Sheean: The hostler?

Mr. Holloway: Yes, sir.

Mr. Sheean: Who attends to putting on or taking off the supplies at Western avenue?

Mr. Holloway: The supply man.

Mr. Sheean: Neither the assistant hostler nor the fire knocker or cleaner does that?

Mr. Holloway: The supply man does that. That is a separate position.

Mr. Sheean: He has nothing to do there except to put on and take off the supplies?

Mr. Holloway: That is enough.

Mr. Sheean: And he is a different man from those who

attend to the filling of the grease cups?

Mr. Holloway: That is a separate job entirely.

Mr. Sheean: That is a separate job entirely?

Mr. Holloway: Yes, sir, they are both separate jobs.

Mr. Sheean: What I am getting at is whether the man who fills the grease cups does anything else?

Mr. Holloway: That is all he does, is clean the grease cups, and the man who attends to the supplies, all he does is take off and put on supplies.

Mr. Sheean: Is there a turn-table at the Western avenue yard?

Mr. Holloway: Yes, sir. Of course, 90 per cent of the engines are turned.

Mr. Sheean: Are turned there?

Mr. Holloway: Yes, sir.

Mr. Sheean: Who attends to the turning of the engines there?

Mr. Holloway: A turn-table man.

Mr. Sheean: And is it the hostler or assistant hostler who places the engine on the turn-table?

Mr. Holloway: The hostler.

Mr. Sheean: The hostler?

Mr. Holloway: Yes, sir.

Mr. Sheean: The assistant hostler does not do that?

Mr. Holloway: In the morning after ten o'clock, providing he should have a road engine come in, and it is necessary for me to be somewhere else, it is up to him to come in with that engine and place it on the table and put it in the house, the same as I would.

Mr. Sheean: Any one of the assistant hostlers?

Mr. Holloway: Any one of the other three men, yes, sir.

Mr. Sheean: But in case you were there, you usually do the actual placing of the engine on the turn-table, do you?

Mr. Holloway: I do, about from 90 to 95 per cent of all the work, over the turn-table.

Mr. Sheean: And the turn-table man does nothing except to operate the turn-table?

Mr. Holloway: Just run the gasoline engine.

Mr. Sheean: Is there any one there except you who, at any time makes any main line movement from Western avenue?

Mr. Holloway: I am the only hostler that does that.

Mr. Sheean: And about how often do you make any main line movement?

Mr. Holloway: That would just depend on weather conditions. In the summer time, maybe one in two months, maybe not one in four or five months, in the winter time, and I may be out three or four or five times a week, and may be five times in one day.

Mr. Sheean: That is, to relieve crews?

Mr. Holloway: That is where the crews have abandoned the engine—not abandoned it, but where they are told to stop.

Mr. Sheean: They have gotten in close to the Western avenue terminal and cannot get in within the—

Mr. Holloway: Without violating the sixteen hours.

Mr. Sheean: And in those cases you have been sent out to relieve that crew?

Mr. Holloway: Yes, sir.

Mr. Sheean: And to bring in the train?

Mr. Holloway: And bring in the engine. Sometimes they hook a couple of cars on and you push them away for them.

Mr. Sheean: But usually just to bring in the engine?

Mr. Holloway: The light engine.

Mr. Sheean: Leaving the train of cars until some other engine is sent out?

Mr. Holloway For some other engine to get hold of them.

Mr. Sheean: This shop switching which you spoke of at Western avenue, is that ordinarily done by you?

Mr. Holloway: It is now. It always has been the hostler's duties, but during the last two or three years with the reduction of the force, and there being no men left, that is added on to the hostler. Take, for instance, an engine is coming in with a hot driving box, to fill the cellars, it has always been necessary to jack the engine up, where they use the Franklin cellar, and take out the cellar in the proper manner and put it back in again with its full cake of grease. Now, with the reduction in force you have to hurry up everybody as much as you can, and they have a way of what they call pulling that driver up on the block; if you have steam up you do it with your own steam; if you have not, you get another engine; and that is one of the hardest things to do in the hostling department. That is taken from the

machinists' men and put on the hostlers', and it is about the hardest piece of hostler work there is around the roundhouse.

Mr. Sheean: The switching of supplies in and about the shop there—

Mr. Holloway: We don't mean switching of supplies, we mean the pulling back and pushing up or spotting of dead engines that cannot be moved in any other way but by using a live engine behind it.

Mr. Sheean: That work is usually done by you rather than by one of the assistants?

Mr. Holloway: Naturally so.

Mr. Sheean: Have any of the assistant hostlers done this shop switching at any time?

Mr. Holloway: They have. There may be, the same as I say, I do about 90 per cent of it, but should I happen to be on the turn-table at the time, and somebody wants an engine taken away, if the shop does not take them away from the pit, they will hook onto it, and if it is a trip which will take fifteen or twenty minutes, they will let it go, until I can get some engine behind it.

Mr. Sheean: In this Western Avenue yard are there any of the hostlers or assistant hostlers who have had any road experience as an engineer or fireman?

Mr. Holloway: No, sir.

Mr. Sheean: And have they at any time, that you have been employed out there, had employed as hostlers or assistant hostlers there a road engineer or road fireman?

Mr. Holloway: Not that I know of.

Mr. Sheean: You spoke of hazards there. During all the time you have been employed there, have there been any accidents or personal injuries there to the hostlers or assistant hostlers?

Mr. Holloway: Why, yes; accidents or personal injuries to a hostler or assistant hostler?

Mr. Sheean: Yes.

Mr. Holloway: I had one about ten weeks ago. One of the assistant hostlers was in the house firing up and went to step off the engine after spreading the fire, and he got caught between the engine and the door and that laid him up for ten weeks.

Mr. Sheean: Between what?

Mr. Holloway: Between the engine door and the cab column coming out.

Mr. Sheean: Was he moving the engine?

Mr. Holloway: No, he had just been spreading the fire preparatory to the main line crew getting the engine.

Mr. Sheean: Was the engine moving?

Mr. Holloway: It was backing out of the roundhouse.

Mr. Sheean: It was backing out of the roundhouse?

Mr. Holloway: Onto the turn-table, yes, sir.

Mr. Sheean: Who was backing it out?

Mr. Holloway: I was.

Mr. Sheean: Questions were asked here about there being certain hazards about that—

Mr. Holloway: That is a hazard.

Mr. Sheean: (Continuing)—because of incompetency of employes.

Mr. Holloway: Oh, well, we have had so many of them, I don't think I ever took count of them.

Mr. Sheean: This was not due to the incompetency of anyone handling the engine there.

Mr. Holloway: No, sir.

Mr. Sheean: Can you tell me any time where, from the handling of an engine, by an incompetent person, there was any injury caused there?

Mr. Holloway: Oh, a few, I think. During the last two or three years there have been three or four switch engines run away, and we finally caught one in 1911, it ran away one morning about nine o'clock, and after we—

Mr. Sheean: Was that due to some incompetent person being on the engine?

Mr. Holloway: A hostler opened the throttle and forgot to shut it off, and when he found the engine was moving he ran home and he is not back yet. That engine smashed through four cars over in the North Western yard. That was just about the time they were leaving the tracks at Western avenue.

Mr. Sheean: Who was this hostler?

Mr. Holloway: I have never been able to get their names, not if I work there another forty years, I could never get their names, because they are all Polish, and we only know them as

Mike or Felix, and their name, of course, we don't know anything about.

Mr. Sheean: How many hostlers or assistant hostlers are there at Western avenue?

Mr. Holloway: Three besides myself.

Mr. Sheean: Three besides yourself?

Mr. Holloway: In the day time, yes, sir.

Mr. Sheean: And in just what part of these yards are the three employed?

Mr. Holloway: The same as I described this morning, one at the coal chutes, one at the south pit and one on the north pit. The coal chute man takes care of engines outside the roundhouse in the afternoon, engines that are side tracked, to go to work at night. The man at the south pit goes into the roundhouse and fires up engines after dinner.

Mr. Sheean: Has the number of employes always been the same there, the number of hostlers at Western avenue, all the time you have worked there?

Mr. Holloway: No. On account of the increase in business, of course, they have had to put on more. When I started there was only just one and what you would call a helper outside. Now, there are four hostlers, or, rather we figure it three and a half on account of one being taken away in the afternoon. That is with the increase of business as the years go along.

Mr. Sheean: I don't quite follow you on that three and a half. In the morning there are four at work hostling, and then one in the afternoon becomes a fire builder?

Mr. Holloway: Yes.

Mr. Sheean: So in the morning there are four working as hostlers and in the afternoon three working as hostlers?

Mr. Holloway: Yes, sir.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Carter: Mr. Holloway, did I understand you to say that these outside hostlers never did any switching?

Mr. Holloway: Never did any switching?

Mr. Carter: Yes.

Mr. Holloway: No. They do.

Mr. Carter: They do switching?

Mr. Holloway: If the occasion arises, that they want some sand cars switched or coal cars switched, they get hold of either one of them and get them to do it.

Mr. Carter: Do they put coal on this incline?

Mr. Holloway: No; they have done away with the coal chute; they use a clam shell.

Mr. Carter: They did put coal up on an incline when they had it?

Mr. Holloway: Not in the last seven years. The hostler used to do it every once in a while, and now the bad order crew does that.

Mr. Carter: Do you know of the fact that if an engine is placed in the keeping of an incompetent hostler, that the water becomes low and the crown sheets may be scorched?

Mr. Holloway: Yes; I have seen four scorched up—

Mr. Carter: I did not ask that, but if it might be done, do you know that?

Mr. Holloway: Yes, sir.

Mr. Carter: Does not this put the lives of the engineer and firemen in jeopardy, if the engine has been touched up a little bit and then goes out on the road?

Mr. Holloway: Well, yes, so far as my observation has been.

Mr. Carter: And does it not put their jobs in jeopardy, if it is later discovered that the crown sheet has been scorched and it is not discovered until they reach the other end of the road, and would not the engineer and fireman be blamed for it?

Mr. Holloway: Well, they would have a hard time getting out of it.

Mr. Carter: From that point of view, don't you think all engineers and firemen have a right to insist that nothing but competent hostlers should handle these engines when they are out of their keeping?

Mr. Holloway: For their own good, of course.

Mr. Carter: I am not asking how many engines were burned, I will let counsel for the railroads ask that; but I want to ask you what other many accidents have occurred there by incompetent help. Don't you tell me, but if he asks you, you tell him. Are the relations between yourself and the subordinate officials of the C. B. & Q. friendly?

Mr. Holloway: Yes, sir; always.

Mr. Carter: Have they treated you fairly in every respect?

Mr. Holloway: In every way and shape.

Mr. Carter: You have not a grievance against any of them?

Mr. Holloway: No, sir.

(Witness excused.)

P. J. McCLORY was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: In a distanct voice, state your name and place of residence.

Mr. McClory: P. J. McClory, Chicago, Illinois.

Mr. Carter: What is your present employment?

Mr. McClory: Hostler.

Mr. Carter: By what road are you employed?

Mr. McClory: The Chicago River & Indiana Railway Company and the Chicago Junction Railway Company.

Mr. Carter: Known as the Chicago Junction and the Chicago River & Indiana Railways?

Mr. McClory: Yes, sir.

Mr. Carter: You heard the witness who just testified describe the duties of hostler?

Mr. McClory: Yes, sir.

Mr. Carter: Are they in keeping with the work you perform?

Mr. McClory: Yes, sir.

Mr. Carter: Do you do switching like he said he did?

Mr. McClory: Yes, sir.

Mr. Carter: More of it?

Mr. McClory: Well, I switch through the yard in the afternoon and take out sand cars and take out the empties to load and unload sand and cinders in the afternoon.

Mr. Carter: When do you go to work?

Mr. McClory: I go to work at 6 in the morning.

Mr. Carter: When do you quit?

Mr. McClory: Six in the evening.

Mr. Carter: Twelve hours' work?

Mr. McClory: Yes, sir.

Mr. Carter: When do you leave home?

Mr. McClory: Five in the morning.

Mr. Carter: What time do you get back home?

Mr. McClory: Seven in the evening.

Mr. Carter: How much do you get for this fourteen hours' work?

Mr. McClory: I get 16⅔ cents an hour.

Mr. Carter: That is, you are paid $2 for twelve hours work as a hostler and switch engineer, is that right?

Mr. McClory: Yes, sir.

Mr. Carter: Do you know why they pay you these wages?

Mr. McClory: Well, it has been an accumulated fact there that those wages has been. From time to time some fellow would come along and work a week and then he would get out as soon as he got a week's pay.

Mr. Carter: How long have you been there?

Mr. McClory: I have been hostling there almost two years, but I have been in the service almost three, as far as my best recollection.

Mr. Carter: You have done firing, have you?

Mr. McClory: Yes, sir.

Mr. Carter: Have you done a lot of shop work, too?

Mr. McClory: Yes, sir.

Mr. Carter: Explain what you have done in the way of shop work?

Mr. McClory: I worked on an engine in all departments of it; I calked flues and expanded flues—

Mr. Carter: Boiler maker's helper, like?

Mr. McClory: Boiler maker's helper.

Mr. Carter: Have you ever worked in any other capacity?

Mr. McClory: I worked as a machinist's helper.

Mr. Carter: You have a general knowledge of a locomotive, then, have you?

Mr. McClory: Yes, sir; from the ground up.

Mr. Carter: And you fired before you got this job of hostling?

Mr. McClory: Yes, sir; I was working on the engine, looking after the fire-up man to see that the engine was kept in

proper repair and see that the proper steam and water was on her.

Mr. Carter: You were working under the supervision of a man more competent than yourself, were you?

Mr. McClory: No, my experience give me a better competency than he.

Mr. Carter: Then, you find out that you have associates that are incompetent, do you?

Mr. McClory: Yes, sir.

Mr. Carter: When you are cleaning locomotive flues and crown sheets and doing boiler maker's helper's work, do you believe that for the protection of the lives and the records of engineers and firemen, locomotives should only be placed in the keeping of competent men?

Mr. McClory: I consider that the hostler's duty is a great competency, for the reason that when he reaches an engine and gets on her his first duty is to find out what water there is in her, and if necessary water her, and also that the fire is all right; and in leaving her at destination on the outside track, to use care that he doesn't bump into another engine or the crew that is working on it, because he is liable to take a finger off of them, if he isn't careful or other injuries.

Mr. Carter: You have a family, haven't you?

Mr. McClory: Yes, sir.

Mr. Carter: What size family have you?

Mr. McClory: Six children.

Mr. Carter: How many?

Mr. McClory: Six.

Mr. Carter: Have you managed to support those six children and your wife on two dollars a day?

Mr. McClory: I get assistance from some of the family.

Mr. Carter: How is that?

Mr. McClory: I get assistance from some of the family who are working.

Mr. Carter: The children have to help you support the family, is that right?

Mr. McClory: Yes, sir.

Mr. Carter: Have you noticed, or has your wife noticed, any increase in the cost of living recently?

Mr. McClory: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. McClory, what railroad or railroads did you work for before you went to this Chicago River job?

Mr. McClory: The North Western.

Mr. Sheean: When did you first enter railroad service?

Mr. McClory: I think, to the best of my recollection, about twelve years ago.

Mr. Sheean: Twelve years ago?

Mr. McClory: Yes, sir.

Mr. Sheean: As a shop man?

Mr. McClory: Yes, sir.

Mr. Sheean: Up to twelve years ago what line of work had you followed?

Mr. McClory: Well, practically all railroad work.

Mr. Sheean: What other road than the North Western?

Mr. McClory: Chicago & Alton.

Mr. Sheean: How long ago?

Mr. McClory: I think it is about three years ago since I left their service?

Mr. Sheean: Well, going back prior to twelve years ago, when you went to the North Western, what had you done prior to the time you went to the North Western?

Mr. McClory: I was a sidewalk contractor. I had to give up the business on account of competition.

Mr. Sheean: You were a skilled carpenter then?

Mr. McClory: No, sir, a cement contractor, cement sidewalks.

Mr. Sheean: Oh, cement contractor.

Mr. McClory: Yes, sir.

Mr. Sheean: That was here in Chicago?

Mr. McClory: Yes, sir.

Mr. Sheean: Twelve years ago you went into railroad work?

Mr. McClory: Yes, sir.

Mr. Sheean: And went into the shops of the Chicago & North Western?

Mr. McClory: Yes, sir.

Mr. Sheean: Which shop was that?

Mr. McClory: Out at 40th street.

Mr. Sheean: And worked as a shop man about how long?

Mr. McClory: I think I was there about six years, six or nine.

Mr. Sheean: And then shop man for the Alton here in Chicago?

Mr. McClory: Yes, I was handy man there.

Mr. Sheean: Just what did you do as a handy man on the Alton?

Mr. McClory: I put trucks in and brake shoes and brake rods and brake rigging. I did cab work, putting in glass in the cabs, and such work as that, anything necessary, only I was not permitted by the machinists' organization to do any machinists' work, outside of the driving wheels.

Mr. Sheean: Well, the work in the shops here before, for the North Western, you had done machinists' work there for some six years?

Mr. McClory: I was helping machinist.

Mr. Sheean: Machinist's helper?

Mr. McClory: Yes, sir.

Mr. Sheean: But, while with the Alton, you could not touch any part of the machinist's work?

Mr. McClory: Well, I was hired to do this handy man's work, which included the tank work and cab work; that was my work. Whatever was reported, I went and got the slip and read the slip reports of the engineer and did the necessary work on the tank and cab.

Mr. Sheean: Is it the Chicago Junction you say you are working for?

Mr. McClory: Yes, sir.

Mr. Sheean: What shops are you working in?

Mr. McClory: At the stock yards.

Mr. Sheean: At the stock yards?

Mr. McClory: Yes, sir, 42nd and Robey Street.

Mr. Sheean: How many hostlers work there at the same time you do?

Mr. McClory: We have an ex-engineer who helps us two hours in the morning, and then there is another man who works along with me.

Mr. Sheean: An ex-engineer in the morning?

Mr. McClory: Yes, he helps us for two hours, and the balance of the day fills grease cups and cleans the headlights.

Mr. Sheean: You say the balance of the day he does the work—

Mr. McClory: Of cleaning the headlights and filling grease cups.

Mr. Sheean: Do you know what he is paid?

Mr. McClory: No, sir.

Mr. Sheean: What is his name?

Mr. McClory: His name is Peter Dunn.

Mr. Sheean: Then, is there any other hostler at the yard there?

Mr. McClory: Yes, sir.

Mr. Sheean: Who is that?

Mr. McClory: His name is Mike Galloway.

Mr. Sheean: Does he work there with you?

Mr. McClory: Yes, sir.

Mr. Sheean: And his work is much the same as yours?

Mr. McClory: Well, he works in the pit in the afternoon, putting on supplies on the engines that come in to get their fires cleaned, and I do the yard work.

Mr. Sheean: Does he do the fire-knocking?

Mr. McClory: No, sir.

Mr. Sheean: Who does that?

Mr. McClory: The men employed for knocking fires.

Mr. Sheean: They have men who do nothing but knock fires there?

Mr. McClory: Yes, sir.

Mr. Sheean: But on this road, Mr. Galloway, who does part of the hostling work, attends to putting on the supplies also?

Mr. McClory: Yes, sir.

Mr. Sheean: And an ex-engineer in that yard works for two hours in moving the engines and the rest of the time filling grease cups and working on headlights?

Mr. McClory: Yes, sir.

Mr. Sheean: Is there any other one working about the preparatory work on engines?

Mr. McClory: Well, we have a train dispatcher that we take orders from.

Mr. Sheean: Well, he does not do anything about the preparing of the engines, does he?

Mr. McClory: No, sir.

Mr. Sheean: Is there a turn-table there at the place where you work?

Mr. McClory: Yes, sir.

Mr. Sheean: Who does the work of getting on and off the turn-table with the engines?

Mr. McClory: Who has charge of the engine on the table, you mean?

Mr. Sheean: Yes.

Mr. McClory: I do, with my partner, as it occurs, as we come in, to put an engine in the house. There is a man on there for turning the table and spotting her for us to go into the roundhouse.

Mr. Sheean: Does the man who does the turning of the table and spotting to go into the house do any other work around there?

Mr. McClory: No.

Mr. Sheean: He just sits at the turn-table all the time.

Mr. McClory: Yes.

Mr. Sheean: Who is your partner you spoke of there?

Mr. McClory: His name is Mike Galloway.

Mr. Sheean: The same man you spoke of a while ago?

Mr. McClory: Yes, sir.

Mr. Sheean: During the daytime there is this ex-engineer and you and Galloway who work?

Mr. McClory: Two hours in the morning this man helps us, when we are rushed in the morning.

Mr. Sheean: But he is at the same yard during the rest of the day?

Mr. McClory: Yes, sir.

Mr. Sheean: How many fire knockers do they have there?

Mr. McClory: There are two fire knockers, and sometimes there are two men hoeing out the pans and sometimes one man.

Mr. Sheean: Do the same men that hoe out the pans do the fire knocking?

Mr. McClory: No.

Mr. Sheean: Different men, again.

Mr. McClory: One man does the fire knocking and the other does the hoeing of the pans.

Mr. Sheean: Do they do any other work than that during the day there?

Mr. McClory: No, sir.

Mr. Sheean: How many engines are handled at this point?

Mr. McClory: Well, the last day I worked there I took an itemized account of what engines I handled, between my partner and I, besides what other work we done, and we handled 81.

Mr. Sheean: Eighty-one engines?

Mr. McClory: Yes, sir.

Mr. Sheean: This Chicago Junction is the switching line here?

Mr. McClory: Yes, sir.

Mr. Sheean: When was this last day you worked there?

Mr. McClory: On last Friday, the 12th, I guess it was.

Mr. Sheean: At this same point?

Mr. McClory: Yes, sir.

Mr. Sheean: Do you know how many work nights there?

Mr. McClory: I think there are three hostlers working nights.

Mr. Sheean: I think that is all.

Mr. Nagel: You have been in the service, you say, about twelve years?

Mr. McClory: Yes, sir.

Mr. Nagel: And you have been hostler on this particular road for two or three years?

Mr. McClory: Yes, sir.

Mr. Nagel: And you work twelve hours a day?

Mr. McClory: Yes, sir.

Mr. Nagel: And as much as thirty days a month?

Mr. McClory: Well, thirty-one days a month. I think I have been off about three days in three years: I think that is about it, as far as I know.

Mr. Nagel: During these twelve hours are you constantly employed?

Mr. McClory: Yes, sir; sometimes I am eating a piece of lunch and have to run to an engine which has broke down, or

an engine goes out, or a crew comes in off an engine, and I have to be on the job.

Mr. Nagel: Could you, in addition to what you do, take care of any of the other work described here as being done by others?

Mr. McClory: Well, a good part of the time I have got to run; in order to make the destination, I have got to run. For the reason that they don't want to have any delays on engines, and for the reason that a delay on an engine at the roundhouse would be up to us, and we want to keep our record as best we can.

Mr. Nagel: Is your record good with the road?

Mr. McClory: Well, Mr. Fitz-Morris and I get along, and "How do you do" every time he meets me, and I think we get along very nicely.

Mr. Nagel: Well, is your record good?

Mr. McClory: Yes, sir.

Mr. Nagel: And for that work you get how much an hour?

Mr. McClory: 16½ cents; in other words, two dollars for twelve hours.

Mr. Sheean: Mr. McClory, had you ever done my hostling work except for this switching road, three years ago?

Mr. McClory: No.

Mr. Sheean: When you started in three years ago?

Mr. McClory: No.

Mr. Sheean: You had never worked as a hostler on any other road?

Mr. McClory: I was never classified as a hostler on any other road.

Mr. Sheean: Had you ever worked on a road where you moved an engine?

Mr. McClory: I did on the North Western; if there was some engine and if the machinist wanted it spotted for some line of work, I spotted her. We were not authorized to do it, but we did it for the convenience of everybody and for the best interests of the company.

Mr. Sheean: That was while you were working in the shops as a repair man on the North Western?

Mr. McClory: Yes, sir.

Mr. Sheean: What were you paid on the North Western, ten or twelve years ago, when you were working there?

Mr. McClory: We got 18 cents and time and a half, and then were raised to 21 cents and time and a half, and time and a half for Sunday and overtime.

Mr. Sheean: And 21 cents an hour at the time you left the North Western?

Mr. McClory: Yes, sir. I got 25 cents for boiler maker's helper.

Mr. Sheean: 25 cents for boiler maker's helper?

Mr. McClory: Yes, sir.

Mr. Sheean: When was it you left this employ of the North Western?

Mr. McClory: I think it is about six years ago.

Mr. Sheean: And at that time you were getting 25 cents an hour?

Mr. McClory: Yes, sir.

Mr. Sheean: And after what number of hours were you getting time and a half?

Mr. McClory: Any time after ten hours.

Mr. Sheean: After ten hours?

Mr. McClory: Yes, sir.

Mr. Sheean: Then, after leaving the North Western six years ago, when you went to the Alton, what rate per hour were you getting with the Alton?

Mr. McClory: 24 cents.

Mr. Sheean: 24 cents an hour?

Mr. McClory: Yes, sir.

Mr. Sheean: Twenty-four cents an hour?

Mr. McClory: Yes.

Mr. Sheean: And time and a half after eight hours there, also?

Mr. McClory: No, sir, we didn't get any there.

Mr. Sheean: No difference in the rate after ten hours?

Mr. McClory: No, sir.

Mr. Sheean: It was a ten hour day there, was it?

Mr. McClory: We worked sometimes twelve hours, but it was a ten hour day.

Mr. Sheean: Same rate per hour?

Mr. McClory: Yes, sir, twenty-four cents, if we worked twelve hours.

Mr. Sheean: You did that work with the Alton at twenty-

four cents an hour, and worked until about three years ago?

Mr. McClory: Yes, sir.

Mr. Sheean: And, after leaving the Alton, the first work that you have ever done as a hostler was out here on this switch line?

Mr. McClory: Yes, sir.

Mr. Sheean: Are you paid by the month or by the day?

Mr. McClory: I am paid by the hour.

Mr. Sheean: How often do you get your check?

Mr. McClory: Twice a month.

Mr. Sheean: Twice a month?

Mr. McClory: Yes, sir.

Mr. Sheean: How long is it that you have been getting it twice a month?

Mr. McClory: I guess it is nearly—ever since the law was passed there, since the change of the law in the state of Illinois.

Mr. Sheean: You did have a time that you got a monthly check?

Mr. McClory: Yes, sir.

Mr. Sheean: Do you, out there, put in your ticket, based on the hours—have you drawn any pay because of there being anything over twelve hours, at any time, or aren't you paid by the month?

Mr. McClory: No, sir, we are just paid by the hour. If it is thirty days a month, why, we get two fifteen dollar checks, provided I have put in full time. If I am off a day or half a day, I am docked.

Mr. Sheean: Off a day or half a day?

Mr. McClory: Yes, sir, I am docked.

Mr. Sheean: Have you been paid any overtime at any time?

Mr. McClory: No, sir.

Mr. Sheean: And your pay has always been the thirty days a month rate?

Mr. McClory: Yes, sir, or thirty-one days, whatever it is.

Mr. Sheean: Well, doesn't your hourly rate differ between the thirty and thirty-one day month?

Mr. McClory: Well, we have—

Mr. Sheean: What do you get for the month of February?

Mr. McClory: We get twenty-eight dollars—two dollars for twenty-eight days.

Mr. Sheean: Two dollars a day for twenty-eight days?

Mr. McClory: For the twenty-eight days.

Mr. Sheean: That is all.

Mr. Nagel: Are you relieved at six o'clock by another hostler?

Mr. McClory: Yes, sir.

Mr. Nagel: And do you relieve him at six o'clock the next morning?

Mr. McClory: Yes, sir.

Mr. Nagel: He works twelve hours at night and you work twelve hours during the day?

Mr. McClory: Yes, sir.

Mr. Nagel: What does he get per hour?

Mr. McClory: The night man gets twenty-five cents a day more than we do—the night hostler gets twenty-five cents a day more than we do in the day.

Mr. Nagel: Do you mean precisely that, that he gets twenty-five cents a day more?

Mr. McClory: Twenty-five cents a day more than we do. That is what he told us he got. Of course, I never saw the pay roll.

Mr. Shea: During this twelve hour period which you are required to work, are you allowed any time in which to eat your lunch or your dinner?

Mr. McClory: No, sir.

Mr. Shea: Do you take your lunch with you in the morning?

Mr. McClory: Yes, sir.

Mr. Shea: How do you eat your lunch, if you do not have any time?

Mr. McClory: Well, if we have a period—for instance, when we get out the engines for twelve o'clock, the engines go out, why, then, the next is one o'clock, and we will take the best opportunity between twelve and one or two, or between ten and eleven, whatever we find, to eat; but we are supposed to be on the work. If an engine comes in between those times and we are called on, we have got to be on the job.

Mr. Shea: Do you ever work longer than twelve hours?

Mr. McClory: No, sir, not to amount to anything. A man can work a few minutes, if an engine is going out, it will only take a few minutes to put her in and take care of her.

RE-DIRECT EXAMINATION.

Mr. Carter: These hostlers that are there besides yourself; is it a fact that if it is discovered that they have any idle time as hostlers, the railroad uses them to do anything?

Mr. McClory: Just read the question again, please.

Mr. Carter: These hostlers that you have described as being there, in addition to yourself, is it not a fact that if they have any idle time as a hostler, the company requires them to do other work, in order to put in full time?

Mr. McClory: The company does not ask them to do anything else but to hostle.

Mr. Carter: I thought you said that they did other work around there besides hostling?

Mr. McClory: The man that helps in the morning, he fills grease cups and cleans headlights.

Mr. Carter: That is what I meant. When you were working at twenty-five cents an hour, as a boiler maker's helper, when you worked eight hours, you had as much money as you now have in twelve hours, didn't you—two dollars?

Mr. McClory: Yes, sir.

Mr. Carter: And, then, the hours between eight hours and ten hours, you got two hours more for that, did you not?

Mr. McClory: Yes, sir.

Mr. Carter: That was fifty cents more?

Mr. McClory: Yes, sir.

Mr. Carter: And the two hours you worked between ten hours and twelve hours, you get time and a half for overtime, or seventy-five cents for that?

Mr. McClory: Yes, sir.

Mr. Carter: Therefore you got $3.25 for twelve hours, is that true?

Mr. McClory: Yes, sir.

Mr. Carter: You said to counsel for the railroads a while ago that you drew two fifteen dollar checks; you meant two thirty dollar checks?

Mr. McClory: Thirty dollars twice a month; thirty dol-

lars for one period and thirty-two dollars for another, where there was a thirty-one day month.

Mr. Carter: That is all.

RE-CROSS EXAMINATION.

Mr. Sheean: Do you know what the one engineer, who works two hours there with you in the morning, and then fills grease cups and attends to the headlights, is paid?

Mr. McClory: He is a very distant kind of man, and I never made it my business to ask him.

Mr. Sheean: There are several men employed in this yard besides you and Mr. Galloway, who moves the engines?

Mr. McClory: No, sir, nobody is allowed. The master mechanic is very strict on this point.

Mr. Sheean: Are there only two of you there, who move engines?

Mr. McClory: That is all, sir.

Mr. Sheean: Does this Chicago Junction have other yards where they hostle engines?

Mr. McClory: No, sir.

Mr. Sheean: Well, do you know P. Dunn?

Mr. McClory: That is the man I have reference to, he is the ex-engineer.

Mr. Sheean: Well, who is Rauer, the engine despatcher?

Mr. McClory: He is the engine despatcher we get instructions from.

Mr. Sheean: He is paid by the hour, isn't he, or do you know?

Mr. McClory: Well, I don't know.

Mr. Sheean: Dunn is the other hostler—he is paid a daily rate, isn't he, or is he?

Mr. McClory: Well, I never made it my business to ask.

Mr. Sheean: You don't know about him?

Mr. McClory: No.

Mr. Sheean: Who is McGuire?

Mr. McClory: He is the night foreman.

Mr. Sheean: He takes the same place as the engine despatcher at night?

Mr. McClory: He is the same as Rauer.

Mr. Sheean: Is he an hourly man?

Mr. McClory: Well, that I could not tell you.

Mr. Sheean: And, then, there are three men at night also, who move engines out in the yard there?

Mr. McClory: Yes, sir.

Mr. Sheean: And those men are paid $2.25 a day instead of $2.00?

Mr. McClory: That is my information.

Mr. Sheean: I think that is all.

The Chairman: We will take a recess until 2:30.

(Whereupon, at 12:30 o'clock P. M. a recess was taken until 2:30 o'clock P. M.)

After Recess.

Mr. Carter: Mr. Chairman and Gentlemen of the Board: With your permission, I would like to make a statement concerning hostlers.

We have decided not to put any more hostler witnesses on the stand. Possibly we will put one other witness on, and it may be that in the examination of firemen witnesses we may refer to their experience as hostlers; but, for the purpose of expediting matters, we shall discontinue the examining of hostlers at this time.

I think the engineer witnesses have explained how they are required, at different points and, on different railroads, to hostle their own engines. That is, to do the terminal work on the engine, and the preparatory work usually done by a hostler, in addition to the preparatory work done by an engineer.

It is intended by our request that "at points where an average of six or more locomotives are handled within twelve hours, day or night, hostlers shall be maintained."

The purpose of that request is to relieve road crews of doing hostler's work. It is believed that when the road crews perform their own work, they have done enough; and that where six engines are handled by these road crews, there should be a hostler provided for the express purpose of relieving engineers.

Now, as to what constitutes a handling of one engine: I will say, that if six engineers or firemen are required, in a twelve hour period, to handle their engines, there should be a hostler maintained. It is optional with the railroads where less

than six engines are handled in a twenty-four hour period, to either have the engineers do the work, or provide a hostler. As to how many engines, the handling of an engine constitutes, I will say that if an engineer should arrive at a point that is a turn-around point and hostle his own engine, and would leave on his own engine, we would only count it one engine. But, if an engine crew would arrive at a point and put their engine away, as a hostler is presumed to do, and then at a later period, perhaps in the next twelve hours, take out that engine, we would consider it as two engines. I am only speaking of this to define what is meant by "At points where an average of six or more locomotives are handled within twelve hours, day or night, hostlers shall be maintained."

A question has arisen, evidently, from the cross examination this morning, as to what a hostler may do. We assume that if there are six engines being handled at a point, that there is plenty to do for that hostler if he protects those engines in proper manner. But it is not the intent, at points where fewer engines are handled, that if hostlers are required to do other work in addition to hostling,—it is not the intent to change what is now being done. We recognize that if there were only one or two engines to hostle, why that hostler might be required to do other work.

We also recognize that at some points a hostler is called a foreman; generally a night foreman, and, his duty is hostling engines and perhaps to decide whether they shall call a machinist or boiler maker to do certain work.

Now, it is not our purpose to deny the railroad companies in pursuing the practice that now prevails at those points. We would say, however, that where regular hostlers are employed, it is hardly fair to the hostler if this Board increases his wages, as I have said here, that the railroads then load more work on him. I do not think that would be done, but I made that statement to explain the intent of my former statement.

My attention is called to the fact that I said a twenty-four hour period when I was reading, and I meant to say a twelve hour period as it is written in the proposition.

The engineer witnesses have very thoroughly set forth the conditions that affect engineers. Wherever an engineer is found in a locomotive cab on duty, there you will find a fireman;

and therefore a great deal that has been said by the engineer witnesses, concerning the conditions with which they are confronted, applies also to firemen. For the purpose, therefore, of expediting this hearing, we shall not attempt to go through this same process with the firemen.

I want to say, however, that the interests of the firemen should be amply protected, and it will be our purpose to place quite a large number of firemen on the witness stand, for if we do not set forth before the Board the peculiarities of a fireman's duty, and the work which confronts him and the burdens he has to bear, the Board might understand that these burdens were not borne by firemen.

The first witness on the stand will, perhaps, set forth all the duties of a fireman. We may keep him on the stand a considerable time; the cross examination may also take up some time; but after we have presented the duties of a fireman to you in a thorough manner, it will be our purpose thereafter just to touch a few points here and there with other witnesses.

Mr. Sheean: Mr. Carter, before you call the witness, in view of your explanation as to the intent of Article 10 in the proposal, might I ask just a question or two, so as to clear up further the intent of the article?

Mr. Carter: Yes.

Mr. Sheean: I understood you to say that where the practice now obtained of having a hostler do, in addition to the work of hostling an engine, certain other work during the day, that it was not the intent to change the present practice.

Now, take the case where a handy man is employed, who, on a branch line, we will say, handles one or two engines a day, and in a ten hour period puts in one hour in hostling work and the remaining nine hours in other work; under your proposal, would it be necessary to pay to that man, although his work as hostler was only one hour out of the ten, the full rate per day for a hostler?

Mr. Carter: It is the intention of the request that wherever a man does hostling work, he is a hostler, and will be paid the rates requested.

Mr. Sheean: So, if at any time during the day, whether it was a half hour or an hour a day, that he did any hostling work, he would take the hostler's pay for the entire period?

Mr. Carter: Yes, sir. And we feel, as we have just stated, that, if you have not enough work for him to do as hostler, and in the past have employed him on other work, that we would not expect to break up that practice.

Mr. Sheean: No, we could continue to use him a half hour or an hour a day in the hostler's work and the remaining nine or nine and a half hours in the other work, which might be handy man work around the roundhouse, which took a lesser rate; but if, during any part of the day, he did hostler's work, he would have to take the full per diem hostler's pay.

Mr. Carter: Yes, sir. I might explain, however, that at some points there may be five or six men employed doing handy work, all of whom are knocking fires or handling engines and are doing chores, if you might please to call it that. Now, the railroad would have the right to select two of those six and say "You are hostlers, and you will be required to do this hostling work, and be held responsible therefor," and say to the other four, "You will do the other work."

Now, if there is any hostling work to be done, we contend that the fact that the hostler does the hostler's work, plus other work, entitles him to more pay rather than less pay. The fact that he has served as hostler establishes his standing, and the fact that you use him to do other work should not detract from the amount of day's pay, because, in order to help pay for himself as a hostler, when you have not enough work for him to do, he is willing to do other work for the company; therefore, instead of detracting from the amount of pay, if it is to be considered at all, it should add thereto.

I want to say that if an engineer, as a switch engineer, is used in a yard for eight hours, or four hours, and is then used as a hostler, we should contend that he should have a switch engineer's pay for the entire day, notwithstanding the fact that he was used as a hostler.

Mr. Sheean: To take the concrete case, the one I had in mind, taking the roundhouse out at Galena, on the North Western. On the branch there, is one passenger train that starts out in the morning and a half hour later a freight train, and each train comes back in the evening. That is the total traffic out on that road; two engines out in the morning and the same two engines coming back that night, and they have one man who

prepares those engines and runs the pump and works around the roundhouse during the day, on a monthly salary. Now, if I understand the intent of this Article 10, it would be that they might continue to use that man, but they would have to pay him, because of his handling these two engines, at least thirty times the daily rate fixed for hostlers. That is, if he works thirty days. I am not sure whether it is twenty-six or thirty.

Mr. Carter: If I understand you aright, these two engines are delivered to him in the evening, he has custody of those two engines, and is responsible therefor, and, in the morning, he delivers those two engines to the road crews. So far as his night work is concerned, ten hours or less, if you now use him for other purposes at night, you would be permitted to do so; but, under this proposition, after having served you ten hours at night, or twelve hours, if you want to pay him overtime; you could not then do as you say you do, have him around as a handy man during the day, because we feel when he has given you twelve hours night service, he should not be a handy man in the day.

Mr. Sheean: I do not know how it is there now, but it used to be, when I was there, that the trains would leave about 7:30 in the morning. The man would prepare the engines. I think they went down about 6 o'clock in the morning and got the engines ready, and then the trains got in about 4:30 or 5:30 in the afternoon again, on the return trip—a turn-around on the branch. Then he knocked the first, or at least did whatever was necessary about the roundhouse. His work, ordinarily, was from 6 in the morning until 6 in the evening, and during the day he worked around about the pumphouse and the roundhouse, and was paid a monthly salary. Now, I do not mean anything technical about the hours at all, Mr. Carter; but, assuming that he continued to handle those two engines, within some reasonable spread—

Mr. Carter: Two engines out in the morning and two engines in in the evening?

Mr. Sheean: Yes, the same two engines.

Mr. Carter: I say to you that he is a hostler. I say that if you want to use him elsewhere, during the day, that you may do so.

Mr. Sheean: Take the other case, in the same town, where they have but one engine, on the Burlington stub, three miles long. Assuming that they have a man to knock the fires on that engine, if they are knocked, and to build the fires, when they are built, to pump the water at the pumphouse and take care of that one engine. He is a handy man and paid by the month; but he does, every day, do some hostling work with that engine; while you would not interfere with his doing other work, in addition to this half hour of hostling, yet his monthly compensation would have to be at least thirty times this daily rate fixed here.

Mr. Carter: I don't want to be misunderstood. There is a difference between a hostler and a watchman. If his duties are simply to watch the engine and not to handle that engine—

Mr. Sheean: No, I will assume the case which I think is correct; at this little roundhouse which they have there, in the morning when the day crew goes on to work, I think he brings this engine out of the roundhouse, which is just across the bridge, about a 500-foot bridge, over to the depot, and the day crew takes it there, and he does that every day.

Mr. Carter: And in the evening?

Mr. Sheean: He puts the engine away.

Mr. Carter: And he puts it away.

Mr. Sheean: Puts it away.

Mr. Carter: And is responsible for its custody at night?

Mr. Sheean: Yes.

Mr. Carter: He is a hostler.

Mr. Sheean: He is a hostler twice a day for about an hour each time. Now, in that case, his wages would have to be thirty times this daily rate?

Mr. Carter: He would be receiving the regular hostlers' pay.

Mr. Sheean: Now, Mr. Carter, in the case of the six engines, three in and three out, in this period, would the hostlers employed under that part of the article, that "hostlers shall be maintained at points where an average of six or more locomotives are handled within twelve hours, day or night, hostlers shall be maintained."

In case this article were effective, and hostlers were maintained in accordance with that, could any of the hostlers pro-

vided for under this article be called upon to knock fires or build fires?

Mr. Carter: If they are already doing that it is not the purpose of this movement to change what they are doing. I will say this much, if, by the award reached in this arbitration, a hostler is placed there, I would say to you that in a case of this kind he should be a hostler and not be required to do two men's work for one man's pay.

Mr. Sheean: I was assuming that this article became effective in the schedules under the arbitration award, and assuming that a railroad company which therefore had not maintained a hostler, was, by virtue of this article, required to put on a hostler at that point, and there were the three engines in and three engines out each day, and that hostler was paid the $3.35 called for by this article, could that railroad company which put the hostler on at this point, in accordance with this article, call upon that man to build the fires in the engines?

Mr. Carter: I would say that a man handling six engines would have a helper, and it would be the duty of that hostler to see that the fires were built in those engines by his helper.

Mr. Sheean: Well, then, where six engines are employed, it is intended by this article that they shall provide a hostler and also a hostler's helper?

Mr. Carter: I am not saying so, but I am saying that where hostlers are now in service on roads where they have recognized the necessity of hiring competent men to do this work, they do have helpers. I have in mind many instances, but I won't specify, because I do not believe in drawing odious comparisons, but some roads now have men doing work which is hostler's work, where perhaps there are less than six engines handled, and paying them hostler's pay, and they are also called, I believe, night foremen or something of that kind.

They are a straw boss around there at night; they do the hostling on the side. They should get hostlers' pay, because we have found out that the name "foreman" does not mean that he is a foreman.

Mr. Sheean: Mr. Carter, I was trying to get the case of a railroad, assuming now, if you can, that this part of Article 10 became a part of an award, and with any one of these railroad companies you found a situation where there were three engines in,

and the same three engines out, in a twelve hour period. They have had there a handy man doing this work, calling him foreman if you please, and it became necessary to provide a hostler at that point, and the hostler was provided.

Now, could the company, for the first time providing a hostler at that point, ask that man, or require that man, as a part of his duty, to build fires on the engine?

Mr. Carter: I should say not.

Mr. Sheean: To knock fires on any of them?

Mr. Carter: No, sir.

Mr. Sheean: To place supplies on any of them?

Mr. Carter: I should say that he should perform a hostler's duty.

Mr. Sheean: I was trying to find out what a hostler's duty is, Mr. Carter, to see if we could find out about that. Neither to build a fire nor knock a fire. Could he be required to place any of the supplies on the engines?

Mr. Carter: It is not contemplated by this proposition that he should. For instance, we ask for a certain rate of wages for a fireman.

Mr. Sheean: I am talking about the hostlers.

Mr. Carter: Now, we do not want that fireman to also be used as a section hand, in order to earn a little more money for the job.

Mr. Sheean: Then could he be required to fill the grease cups?

Mr. Carter: I am not prepared to answer that question.

Mr. Sheean: Could he be required to operate the turntable at points where there is not a power turn-table, or to help in operating it?

Mr. Carter: I don't think he could operate a turn-table and manage an engine very well, because a man should be on the engine when a turn-table is being turned.

Mr. Sheean: And it would not contemplate that he should assist in any way or leave his engine in any way?

Mr. Carter: I won't say that.

Mr. Sheean: Then, does this contemplate that, if granted, the hostler, who is provided for the first time under this article, shall have no further duty than merely the operation of the engine, the moving of the engine?

Mr. Carter: I am not prepared to say that, because much would depend on local conditions, but I am prepared to say that where you have hostlers now—

Mr. Sheean: Well, Mr. Carter, as to the local conditions, I just wanted to get rather what the universal application of this would be, if there is a universal application, that is, apply it to the entire territory in case this article were granted.

Mr. Carter. If we should make a universal application and take the practice on many railroads, no hostler is ever required to do anything else but hostle; he is never required to knock fires; he is never required to do anything of that character. But, I have said, if you have places where these hostlers are now doing that work, there is nothing in our proposition which says he shall no longer do it, but it does say that he shall receive a hostler's pay instead of 16½ cents an hour, as you have seen here.

Mr. Sheean: I think I fully understand that, Mr. Carter, or I thought I did, about the matter of employes at these points, those who are now on a monthly wage doing hostler's work part of the day and other work other parts of the day; those same employes might be continued but would have to be paid at least the hostler's rate of pay.

Mr. Carter: Now, don't misunderstand me. You might have two employes at a point, both of whom are handy men, both of whom are handling engines, not sufficient work, perhaps, for more than one. This will not prevent you from saying to one of them "You are a hostler;" and to the other "You are not." The hostler will do the handling of the engines and the hostler work and receive the hostler's pay. If the other man does not do hostler's work we are not asking that he receive hostler's pay.

Mr. Sheean: Let us take that case, then, the one you have selected, of these men; there have been two doing this work interchangeably; but, take it under this proposition, and we will say to one of them, "You will do the hostler's work. Heretofore you have been knocking fires part of the day and building fires part of the day, and at other times you have done a little switching, and at other times you have moved in and out of the roundhouse; but we are going to divide this work up now, and one of you is going to be a hostler." Now, then, the one to whom we give that designation of hostler, will, from that time forward, be relieved of the duty of ever knocking fires, will he?

Mr. Carter: I won't say that; you may only have two engines there. I am saying to you that, if in the past he has been required to do this character of work, there is nothing in this proposition that would relieve him of that work.

Mr. Sheean: That was the way I understood it, Mr. Carter.

Mr. Carter: Yes.

Mr. Sheean: That we might use the same employe to do the same work, provided that the pay of that man should be as high as the hostler's rate of pay?

Mr. Carter: Yes, sir.

Mr. Sheean: Now, as to men who are installed under Article 10, where there have been no hostlers before, and the man for the first time is provided as a hostler, how will it be as to that?

Mr. Carter: I would say, sir, that he is a hostler, and should only be required to do hostler's work.

Mr. Sheean: And hostler's work, under that you would exclude anything other than the handling of the engine under steam?

Mr. Carter: Oh, no.

Mr. Sheean: Let's see what it would exclude then. Would it exclude the actual cleaning and knocking of the fire?

Mr. Carter: It would exclude that, because presumably he would have a helper.

Mr. Sheean: Would it exclude the actual cleaning of the ash pans?

Mr. Carter: It would, because that presumably would be done by his helper.

Mr. Sheean: Would it exclude the supplying of the engines with fuel, sand and water?

Mr. Carter: He would handle the engine perhaps to the coal chute. The coal chute man would put the coal on the tender. He would move the engine to the sand house and perhaps his helper would put the sand on.

Mr. Sheean: Would it exclude from a part of his duty, the physical work of putting on the coal or of putting on the sand?

Mr. Carter: I am saying to you that anything that has been usually the duty of a hostler, we expect that man to do.

Mr. Sheean: Well, this is a new hostler for the first time, we are talking about now.

Mr. Carter: What are your hostlers doing on this imaginary road you are talking about?

Mr. Sheean: Well, I am trying to take a road, Mr. Carter—

Mr. Carter: Name the road.

Mr. Sheean: I cannot name, offhand, a situation where there have been three engines in and three out, in times past.

Mr. Carter: Take it four in and four out.

Mr. Sheean: Well, take it four in and four out; where they have had a man on a monthly salary as a foreman.

Mr. Carter: Yes, sir.

Mr. Sheean: Now, that man heretofore has done some part or all of this work?

Mr. Carter: No, I think not. I think you will find that where you have this work done and there is a hostler, for the purpose of "Safety First" you would at least have some man on the engine when it is being moved around, and somebody to help him.

Mr. Sheean: Well, assuming that there was a helper where but one is now to be designated as a hostler. The man thus designated as a hostler, can you call upon him at any time to do any of the physical work of placing sand on the engine?

Mr. Carter: In reply to that, I will say that no employe with whom I am acquainted would refuse to do that character of work, if it were necessary. But, we would protest against the railroads, any one of them members to this movement, if they find that this award has created a position of hostler under the provisions herein stated, to get even with us, would make a slave of him. We would object.

Mr. Sheean: Assume that a position created under these articles did create the position of hostler, could the hostler created by these articles be called upon to do the physical work of supplying the engine with the necessary supplies?

Mr. Carter: I will say to you, if, upon the road that you had in mind, they have a place where a hostler now is employed, he may be doing night foreman's work, he may be sending the call boy for a boilermaker to calk flues, he may be sending the call boy for a machinist to do repair work, he may be what

we call at the outlying points, a night foreman, and he may be doing the hostling. We do not object to that.

Mr. Sheean: Well, Mr. Carter, that again gets back to the situation of simply having that man paid at least the hostler's rate.

Mr. Carter: We would prefer that a hostler should be recognized as a hostler and paid a hostler's rate, than to have him recognized as a foreman and be paid a "dago's" rate.

Mr. Sheean: Now, the other situation, Mr. Carter: The position of hostler created by this article—I think you referred to that?

Mr. Carter: Yes.

Mr. Sheean: I am trying to find just what the duties of a hostler, who was created by this award, would be.

Mr. Carter: I will tell you, Mr. Chairman, why I am trying to evade a reply to these questions. We realize that everything that is said here will perhaps be used against us hereafter. If I should say that an engineer would be permitted to put sand in a sand box, I fear my statement would be used to have every engineer put sand in his sand box. We dare not make statements here, even though we recognize this hostler is going to do this character of work, many times, to protect the interests of the company, we dare not say so here, because if we do, everything we say here, every hostler would have to do it.

If you ask me if a switch engineer or a road engineer should take coal, perhaps I would have to say no, although they would do it any time that the interests of the company required them to do it. The reason I have to say no here, is because, if I said yes, then every engineer would have to take his own coal, because we said so here. I hope you will understand why I have to evade answering these questions directly.

Mr. Sheean: All that I wanted, Mr. Carter (and I do not want to take more time of the Board), is simply to ascertain whether or not there was free from difficulty the proposition of just what you meant the railroad company might properly do, properly. Assuming now that a railroad company wanted to do exactly the fair and equitable thing under an award of a created hostler: Now, we are to deal with this proposition of a hostler created by the award.

Mr. Carter: A hostler will do any fair and equitable thing.

Mr. Sheean: Now then, that hostler created by the award: Assume, if you can stretch your imagination, that I was trying to find out for that railroad company as to what the work of that hostler should be; could I properly, under this award, ask him to fill grease cups?

Mr. Carter: I presume, if you had two engines at a point like you have described, that he would fill grease cups, because you would have to give him something to do. I will say to you if he is at a point where he is handling six engines in or six engines out, and you have got him also as a foreman there, that if you treat him like you usually treat the men—not you personally—he would perhaps take a wheelbarrow and wheel cinders; but that is not contemplated by our proposition.

Mr. Sheean: Assume, now, that the wheeling of cinders is not contemplated, does your proposition contemplate that we may ask him to fill grease cups?

Mr. Carter: I would not say that.

Mr. Sheean: How am I to know? I am confronted with the situation of a hostler created by an award, that I want to apply fairly.

Mr. Carter: Does another hostler on your hypothetical road fill grease cups?.

Mr. Sheean: This is my first experience, this is my first railroad and this is my first award, and I want to apply it fairly.

Mr. Carter: I will say to you, if, on this road you have in mind, hostlers now fill grease cups, under the situation you have stated, they will fill grease cups. But if you want them to fill grease cups to punish them for having had their wages raised here, no.

Mr. Sheean: Let us assume, on this hypothetical railroad of mine, I have not any point except one, where I have three engines in and three engines out, and it is my first experience in railroading, and there is the award here which says I must maintain a hostler at that point, and I want to be fair under the award, and I have to hire a hostler created by the award; Now, can I say to him, "I want you to fill the grease cups," without violating that award?

Mr. Carter: If you have not any work for him to do, and it is equitable that he should do it, I will say yes. But, in

saying that yes, I want to qualify it, that if you start to making all hostlers fill grease cups after this award, you have got a fight on hand.

Mr. Sheean: Then I am afraid we cannot clear up just what this article means now, can we?

Mr. Carter: All right. I think the Board has it in their minds, exactly what I mean.

Mr. Byram: One thing I did not quite understand, Mr. Carter. You spoke of a case where we now have six employes in the roundhouse, and you said we might designate one of them, or two of them, as hostlers.

Mr. Carter: Yes.

Mr. Byram: We would not be able to do that under this article, would we?

Mr. Carter: Oh, yes.

Mr. Byram: But it says here that hostling positions shall be filled from the ranks of firemen. Does not that exclude the roundhouse men?

Mr. Carter: In all rules of that kind, Mr. Byram, the present incumbents have always been protected. Neither of these organizations have ever formulated a rule that takes any man's job away from him.

Mr. Byram: But the rule does exclude roundhouse employes from promotion to these positions, does it not?

Mr. Carter: In the future.

Mr. Byram: In the future?

Mr. Carter: When vacancies arise, the rule should be applied.

Mr. Byram: It does not say so here.

Mr. Carter: Well, that is what it means. We will take this man we had here this morning—

Mr. Byram: Excuse me, just let me finish my question. Forever afterward, the roundhouse employe would not be eligible to promotion to the hostler's position; is that it?

Mr. Carter: I will say no and yes. Most roundhouse employes would be glad for you to put them on the switch engine as firemen, so they can learn how to handle engines and learn how to keep water in the boiler, and then you can promote them to hostlers.

Mr. Byram: He would have to attain his position as a hostler by first taking a position as fireman?

Mr. Carter: I want to explain why I say so. We did not bring out this morning as much testimony as we could have brought out with regard to the injury to man and engine caused by incompetent hostling. Engineers and firemen are required to take these locomotives out across the road, and many an engineer, I truly believe, has been penalized, if not dismissed from service, for the scorching of a crown sheet, when it was done in the roundhouse by incompetent help. We want competent men to handle these engines when they are out of our care. If we come in tonight and put this $15,000 or $20,000 piece of machinery in the hands of men, and we have got to be responsible for that engine tomorrow, we would like to have men in charge of that engine who will not jeopardize our lives and our jobs. Therefore, we have said we want men to do that hostling, who are competent. We have not said we want you to dismiss either of those hostlers who testified this morning, but if either of them get enough of the job to quit, or die, we would like you to put men in their place who are experienced in the handling of engines.

Mr. Byram: Now, if you will, just answer my question, Mr. Carter. I asked you if this proposition meant that any employe of a roundhouse who wanted to be promoted to the better position of hostler, would have to do it by the route of a fireman's service first?

Mr. Carter: We have requested that, because we believe he should be drilled in handling engines before he hostles.

Mr. Byram: That is the proposition, is it?

Mr. Carter: Yes, sir.

Mr. Byram: Now then, how could he get into the position of hostler except in the rotation of his seniority?

Mr. Carter: Well, is there anything in here about that? "Hostling positions shall be filled from the ranks of firemen and they shall be paid," so much. No; we have not asked that so far, but I will say this much; if, on any railroad, the agreement now provides that he shall, in the course of his seniority, I would say yes.

Mr. Byram: There is nothing said about it here, but as I

understand it, the seniority as a regular member of the firemen's roster will be applied.

Mr. Carter: On some roads it is. On other roads they employ hostlers without regard to their seniority as firemen.

Mr. Byram: Precisely, and that is what I am trying to find out. Here is a rule that has a specific provision about where the hostler shall come from. That would make it obligatory, if granted, on all railroads, that they must make their hostlers from firemen.

Mr. Carter: Now, I want to say that does not mean exactly what it says. They could take a demoted engineer and he could have that position.

Mr. Byram: It says they must come from firemen.

Mr. Carter: He might be an engineer.

Mr. Byram: But he would have to be on the firemen's seniority list.

Mr. Carter: He would have to be placed on the seniority list if he was an engineer, also.

Mr. Byram: He would have to have a place on the firemen's list, wouldn't he?

Mr. Carter: We contend that a fireman is a man who qualifies himself to do this work. The reason we did not say "firemen or engineers" perhaps is because we would have to ask for more money if we were going to fill the jobs with engineers. We felt, when we said firemen, it would be in keeping with the wages we were asking.

Mr. Byram: I was not asking you reasons; I was trying to get at what the facts are.

Mr. Carter: Those are the facts.

Mr. Byram: You haven't answered my question, as to how these roundhose employes are going to be hostlers.

Mr. Carter: He would have to gain experience as a fireman or engineer.

Mr. Byram: How long?

Mr. Carter: It is not provided.

Mr. Byram: Somebody would have to decide?

Mr. Carter: I should think if we secure this in our award and we are conscientiously going to live up to that award, that they ought to fire long enough so that somebody—I won't say the roundhouse force, because they have clear ideas, but somebody,

who is unprejudiced, will say that they are capable of taking charge of those engines.

Mr. Byram: He could be selected then whether his seniority gave him the right to this better position or not?

Mr. Carter: Where there are no rules to the contrary. Understand, this proposition is not seeking any rules, except we want these competent firemen to hold these jobs. If you have a rule on your road which says that the oldest firemen shall have a chance to bid in the hostlers' jobs, I would say yes; if you have no rule, I would say no.

Mr. Byram: Then, the roundhouse employe who has been promoted through the different positions to the place of hostler, would first have to go through the position of fireman before he could become a hostler?

Mr. Carter: We consider that it is absolutely necessary for him to do so.

Mr. Sheean: There is just one thing suggested by Mr. Byram's question I would like a little light on, Mr. Carter. Attention is called to the fact that on the Gulf, Colorado & Santa Fe they have this provision:

"Firemen shall be considered in line for promotion to the position of Hostlers and Engineers, according to seniority and ability, and at least fifty per cent of the vacancies of Hostlers' positions shall be filled by promoting Firemen. The company reserves the right to fill fifty per cent of the Hostlers' positions from the ranks of incapacitated Road Engineers or Firemen from the service, if capable, as vacancies may occur, it being the understanding that incapacitated Engineers are eligible to either the position of Switch Engineer and Hostler and that incapacitated Firemen to that of Hostler only."

You answered Mr. Byram that where there was a schedule provision giving the fireman the right of promotion into this service, that that would be retained. Now, what becomes of this sort of situation where the Santa Fe has reserved the right to itself to keep away from seniority, the right to fill positions of this sort with its incapacitated engineers?

Mr. Carter: I understand that that rule is in effect now and will be in effect after we get this award and will remain in effect until changed by the usual negotiations.

Mr. Sheean: Well, now, you request here that hostling positions shall be filled from the ranks of the firemen. Would not that, so far as the firemen are concerned, remove the company's reservation of the right to fill those positions irrespective of seniority?

Mr. Carter: Technically, yes; but I am going to say to you that the firemen down there are not going to displace one of those old engineers and if you were to take a referendum vote you will find—

Mr. Sheean: I am not asking about displacing men who are there, but about displacing or taking away from the company the right in the future, irrespective of the question of seniority, to provide these places for its disabled men. I am talking about the future. I am not suggesting displacing men who are there now, but the company, this company, apparently seems to have made provision whereby they need not recognize seniority as to half of these men, but reserves the right, themselves, irrespective of seniority, to make provision for their disabled road men. Now, in the future, if this were granted, what would be the effect?

Mr. Carter: The understanding is that in the future the hostling positions would be filled by firemen, unless they are road hostlers drawing hostlers' pay, when they would be filled by engineers.

Mr. Sheean: Then, this particular schedule providing for the promotion of those positions would make the matter of filling future hostler's positions operate under their seniority rules, from the ranks of the firemen?

Mr. Carter: Yes, sir.

Mr. Sheean: And in the future, that company, if this rule is granted, could not take a disabled engineer and provide him a place in the yard.

Mr. Carter: No more than he could take a disabled road engineer and give him a passenger run, perhaps; but I want to say this, that the purpose of the proposition is to compel railroad companies to live up to their "Safety First" propaganda.

Mr. Sheean: Now, Mr. Carter, on that—

Mr. Carter: I am not on the witness stand. With your permission, I will address the Board.

The Chairman: One minute—

Mr. Carter: I am not a witness, I am counsel for the employes.

Mr. Sheean: I want to ask a question.

Mr. Carter: You shut me off when I try to say something, and I am going to say it if it takes all day.

Mr. Sheean: All I wanted to ask is whether you wish to be understood as saying that to take a road engineer who, perhaps, after twenty years of road experience, had lost a leg, and say by the Company placing him in this service would run counter to the proposition of "Safety First?"

Mr. Carter: How is that?

Mr. Sheean: To place a disabled engineer in the position of hostler, instead of providing that hostler's position under the automatic seniority rules for firemen, whether they would run counter to the proposition of "Safety First?"

Mr. Carter: I will say to you, if you will permit me, and if the Board will permit me to explain to you why we make this request that the hostlers' positions shall be filled from the ranks of the firemen and they shall be paid $3.35 per day of ten hours or less, provided, that where hostlers are required to make main line movements, they shall be paid $4.75 per day of ten hours or less, overtime in each case to be computed on the minute basis and paid for at the rate of time and one-half.

"When such main line or road hostlers are paid the same rate as engineers in switching service, such positions shall be filled from the ranks of the engineers."

Now, permit me to explain. We made that request because we believed something of that kind was absolutely necessary for the protection of the lives and jobs of the engineers and firemen, if not for the protection of the property of the company. We recognize that a fireman, without ever having passed an examination on road rules, is capable of doing this first class of hostling. He does not go out on the main line and jeopardize the lives and property of the company and its passengers; therefore, we are content to have the firemen fill those positions. We believe it requires an experienced fireman to fill those positions. But we have said that if he goes out on the main line then he shall be an engineer, and there your one-legged man can come in.

Mr. Sheean: Suppose he has become color blind, Mr. Carter?

Mr. Carter: Then, God help him; with one leg and color blind, there isn't a railroad in the country that would give him a job.

Mr. Sheean: Mr. Carter, what I meant to say—and I did not mean it in any spirit of levity at all—that a road engineer who, after many years of service, is not permitted to run upon the road and under the provision of the Santa Fe schedule they reserve the right to fill fifty per cent of those places by placing road engineers in this hostling service in the yard, where they do not go on the main line—

Mr. Carter: We contemplate that fifty per cent of the hostlers on the Santa Fe do go on the main line and will have to go on the main line and will be filled by engineers.

Mr. Sheean: Well, Mr. Carter, I am trying to take the case of an engineer who is not by reason of physical disability longer capable of going on the main line, and who, under the provision of this schedule, the company might provide a place for as an inside hostler—that privilege would be taken from them under this proposal, would it not?

Mr. Carter: I will agree and say that, if you find a one-legged hostler, we will take care of him.

Mr. Sheean: I am trying to find out—

Mr. Carter: We will take care of him.

Mr. Sheean: — about what your proposition means.

Mr. Carter: We will agree to let the railroads, if they wish, take care of him.

Mr. Sheean: But it is a matter with that railroad management who would desire, in a case of that sort—he would be obliged to go to you and ask the permission of the firemen before that could be done?

Mr. Carter: No, that is rather exaggerated. I am going to say that if there is one engineer on the railroad in this country who is in that situation, that there isn't one fireman out of a hundred who would object to it. Now, that is the fact. Now, I will confess to you that if you want to be intensely technical it would be that way. In fact, it won't be that way. Now, I want to read you something from these Gulf, Colorado & Santa Fe rules that you did not read:

"Hostlers are not required to perform any service except that pertaining to the movement, care and handling of engines where employed. At points where Hostlers are required to do switching they shall receive Switch Engineer's pay for same, except when Foreman or Master Mechanic wants cars moved in shop yards or roundhouse." Now, that rule will prevail and remain after this award; but if on the Chicago, Burlington & Quincy Railroad, that man does that work, why, we won't interfere with Mr. Holloway going on and doing the work he has been doing; but I submit, gentlemen, fourteen hours away from home is a little bit too much; but we are not requesting that you gentlemen do that.

Mr. Sheean: Mr. Carter, just a question, please. Do I understand, then, that this rule on the Gulf, Colorado & Santa Fe, because of the provision you read here that "Hostlers are not to be required to perform any service except that pertaining to the movement, care and handling of engines where employed" would remain on that road, in connection with your Article 10?

Mr. Carter: Yes, sir.

Mr. Sheean: So that on the Gulf, Colorado & Santa Fe all the men on that line who now work as foremen or who do handle during part of their day's work, who do any work of handling engines, would take the hostler's rate, under Article 10?

Mr. Carter: Yes, sir.

Mr. Sheean: Would also be protected by this provision that hostlers shall not be required to do any other work?

Mr. Carter: I will say to you that whatever the practice is on that road, the practice will have to continue until we change it by future negotiations.

Mr. Sheean: Well, you know that under this, Mr. Carter, on the Gulf, Colorado & Santa Fe, a number are paid this hostler's rate and that there are foremen who do a part of their day's work in hostling work and put in the balance at some other work?

Mr. Carter: I am going to say to you that it was not the intent of this request to change existing conditions. Wherever those men are working under that rule they will continue to work under that rule. If you have an outlying point on the Gulf, Colorado & Santa Fe Railroad, where you have a foreman

so called, and he is doing hostling work and getting 16 cents an hour, why, he will continue to do the same class of work he has done before, but he will get the pay we are asking, and he will be a hostler.

The Chairman: Is there anything else?

Mr. Carter: When he gets through. I have got lots to say when he gets through.

Mr. Stone: While we are at this informal discussion, I should like to ask Mr. Sheean a question if it is proper. I would like to know— Mr. Sheean, is it not a fact that at the present time there are engineers who have been removed from road service for color blindness, who are now employed by those railroads as road hostlers, making main line movements?

Mr. Sheean: Absolutely none, but I should be very glad indeed, if there is any cause of complaint, or if you have in mind any particular instance that you think should be redressed by any officer of the company, to put you in immediate touch with someone who will discuss it with you.

Mr. Stone: Don't misunderstand me. I am not making a complaint at all, you asked me the question about a man, whether he would be allowed to act as a hostler if he is color-blind, and the fact is you have them now, making main line movements.

Mr. Sheean: Do I understand there is some complaint on your part on that?

Mr. Stone: No, sir, I am not making any complaint; I am glad of it, I am glad he has got a job.

Mr. Sheean: I don't quite understand the purpose of your question to me then, Mr. Stone. If it was desired that anything be done in this respect by any of the clients whom I represent, I should be most glad to co-operate in any way in doing anything that you may have in mind as the proper thing to do.

Mr. Stone: I thought perhaps you had some particular case in mind when you asked the question about the Santa Fe.

Mr. Sheean: None whatever, but if you have in mind any case that you think should be differently treated than it is treated, I shall be very glad indeed to co-operate with you in treating it on equitable lines.

H. O. MARTIN was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and residence.

Mr. Martin: H. O. Martin, Clovis, New Mexico.

Mr. Carter: What is your present occupation?

Mr. Martin: Locomotive fireman.

Mr. Carter: By what railroad are you employed?

Mr. Martin: I am employed by the Atchinson, Topeka & Santa Fe on the Pecos Division.

Mr. Carter: When were you employed there?

Mr. Martin: November 22, 1910.

Mr. Carter: Then you have about four years' seniority as a fireman?

Mr. Martin: Yes, sir, a little over four years.

Mr. Carter: Now, Mr. Martin, it will be our purpose to have you, in progressive manner, explain all the duties of a locomotive fireman, but I shall first ask you to explain the nature or the form of your application for employment before you entered the service of the company as a fireman.

Mr. Martin: The application of the Santa Fe for employment as a fireman, constitutes about two ordinary foolscap size pages. I don't just remember the number of questions it contains, but it asks you your full name, your age, and the name of your nearest relatives; what you have been doing for the last five years, and all the railroad experience that you have had, even though it extends further back than five years. It also asks you to give references of at least three names, of men who have known you for more than five years. And, there are several general questions; I cannot recall them all now.

Mr. Carter: Evidently the purpose of this application is to secure the services of men above the average qualifications as engineers and firemen, is that not true?

Mr. Martin: Yes, sir, I think that is the intent of the application.

Mr. Carter: There is nothing wrong about the application, is there?

Mr. Martin: No, sir; I consider that it is all right.

Mr. Carter: Now, with regard to your physical examination before entering the service, will you describe that physical examination?

Mr. Martin: Well, you are first examined on your eyesight and hearing. In the eyesight examination they give you the color test, and also make you read the card with graduated letters on it.

Your hearing is then tested, after which you are required to strip from the waist up, and the doctor usually tests your lungs, and heart, and then you drop your trousers down, and underwear, so that he can examine your lower limbs for enlarged veins. Also examines you for rupture, for piles, and for private diseases.

Mr. Carter: Did you ever make application for insurance in any insurance organization?

Mr. Martin: Yes, sir, I carry a policy in the Fireman's Organization, that is the only insurance I carry.

Mr. Carter: How much insurance do you carry?

Mr. Martin: Fifteen hundred dollars.

Mr. Carter: Was the examination for fifteen hundred dollars insurance as rigid as that for the job of fireman?

Mr. Martin: Well, it was not in my case. Probably I didn't get hardly as rigid an examination, however, as the doctor usually gives, because it was the same doctor that examined me just a little while before for the company, and probably he did not examine me as rigidly as a different doctor would.

Mr. Carter: After you were accepted as a fireman, having fulfilled all of the requirements, through application and examination, were you examined again, on, we will say, your knowledge of mechanical matters?

Mr. Martin: Yes, sir, but there was yet another examination at the time I entered the service.

Mr. Carter: Just explain that.

Mr. Martin: That is what is commonly known as the "Book of Rules" examination. You are examined on signals, flagging rules, and a few questions on train rights.

Mr. Carter: You do not question the necessity of this examination, do you?

Mr. Martin: No, sir, I do not. I think it is very necessary.

Mr. Carter: What was the next examination you were required to pass?

Mr. Martin: At the end of one year's service they require

you to pass what is known as the "First Year Mechanical Examination."

Mr. Carter: When did you have another examination on matters of this kind?

Mr. Martin: At the end of two years service I passed the Second Year Mechanical Examination.

Mr. Carter: What percentage of questions asked do you have to answer correctly, in order to pass these examinations?

Mr. Martin: I have understood that it was 85 per cent, but not by an official of the company, and so I couldn't say.

Mr. Carter: You passed?

Mr. Martin: Yes, sir, I got notice that I had successfully passed the examination.

Mr. Carter: Now, tell me of some more examinations that, as a fireman, you are required to pass?

Mr. Martin: Every three years in the service of the Santa Fe Railway Company, you have to repass the eyesight and hearing test. Then at the end of four years service, you have to pass what is called the "Third Year Mechanical Examination."

Mr. Carter: Now, will you explain about the number of questions that you have to answer accurately, in order to pass all of these examinations on mechanical matters, up to the third examination.

Mr. Martin: The first year examination contains one hundred questions even, I believe. It treats particularly of combustion and boiler appliances. The Second Year Mechanical Examination contains ninety questions and treats of boiler appliances a little further; and also goes, likely, into machinery. That is, the engine valve motion and air brake appliances, and such things as that.

The Third Year Mechanical Examination is very exhaustive in regard to air brake appliances and mechanical matters. There are 424 questions, I believe, in the Third Year Mechanical Examination. When I was writing it up, it took me five days to write the examination.

Mr. Carter: Did it require much effort on your part, or much application during the time you were fireman there, to acquire the knowledge necessary to successfully pass these examinations?

Mr. Martin: Yes, sir, it requires quite a bit of study to successfully pass the Santa Fe Mechanical examination.

Mr. Carter: Did you purchase mechanical books in order to acquire this information?

Mr. Martin: Yes, sir; there were three of us roomed together, and we purchased quite a number of books among us; some from the Scranton School, and a set of Modern American Railway Practice Books. We also had the instruction papers that come in the Firemen's Magazine, and one, or two, or three other air brake books. I don't remember just the names of all of them.

Mr. Carter: Is there much space in this Firemen's Magazine, to which you have referred, devoted to instructions of locomotive firemen and engineers on mechanical matters?

Mr. Martin: Yes, sir, quite a bit.

Mr. Carter: It is devoted largely to that, is it not?

Mr. Martin: Yes, sir. I found it very helpful to me, too, in passing the examinations.

Mr. Carter: Then I understand you to say, or I infer from what you have said, that it is believed by the organization, of which you are a member, that these men should acquire this information?

Mr. Martin: Yes, sir; it is their policy.

Mr. Carter: What other examinations were you required to undergo at the end of the fourth year?

Mr. Martin: At the end of the fourth year we had to again take the general physical examination, the same as when we entered the service of the company, and also a thorough examination on the Book of Rules on train orders.

Mr. Carter: If at any time you fail to pass these physical examinations, what will happen to you?

Mr. Martin: Well, I can only recall one man on our division who has failed to pass, and he was taken out of service.

Mr. Carter: What did he fail to pass on?

Mr. Martin: He failed to pass the eye examination.

Mr. Carter: Did he pass the eye examination in the beginning?

Mr. Martin: Yes, sir.

Mr. Carter: Then his eyes must have been injured while employed as a fireman, is that right?

Mr. Martin: It would seem so, from the fact that he was taken out of service.

Mr. Carter: How about this Book of Rules? Is it quite a voluminous book?

Mr. Martin: Why, it is a pretty good sized little volume. I have a copy of it here. (Indicating.)

Mr. Carter: About how many questions are there in that book that you have to learn the replies to, the proper answers to?

Mr. Martin: Why, there are six hundred and some odd, I don't remember just exactly how many. I wouldn't be positive about that.

Mr. Carter: Then, when you pass this last examination, you are qualified for an engine, are you not?

Mr. Martin: Yes, sir.

Mr. Carter: But you are not an engineer, or you do not acquire date, do you, until after you run an engine?

Mr. Martin: No, sir.

Mr. Carter: Have you run an engine yet?

Mr. Martin: No, sir, I have not.

Mr. Carter: Will you read from that Book of Rules, in a distinct voice, so the stenographer can get it, the rules affecting locomotive firemen?

Mr. Martin: All of the general rules apply equally to firemen as well as other employes. They run from A to L.

"Rule A. Employes whose duties are prescribed by these rules must provide themselves with a copy.

"B. Employes must be conversant with and obey the rules and special instructions. If in doubt as to their meaning they must apply to proper authority for an explanation.

"C. Employes must pass the required examinations.

"D. Persons employed in any service on trains are subject to the rules and special instructions.

"E. Employes must render every assistance in their power in carrying out the rules and special instructions.

"F. Any violation of the rules or special instructions must be reported.

"G. The use of intoxicants by employes while on duty is prohibited. Their use, or the frequenting of places where they are sold, is sufficient cause for dismissal.

"H. The use of tobacco by employes while on duty in or about passenger stations, or on passenger cars, is prohibited.

"J. Employes on duty must wear the prescribed badge and uniform and be neat in appearance.

"K. Persons authorized to transact business at stations or on trains must be orderly and avoid annoyance to patrons.

"L. In case of danger to the Company's property, employes must unite to protect it."

Mr. Carter: I understand that badge does not apply to you nor the uniform?

Mr. Martin: No, sir, it does not.

Mr. Carter: Now, read some other rules that apply specifically to locomotive firemen.

Mr. Martin: On page 29, the last two paragraphs of Rule 99, which is the flagging rule, reads as follows:

"When a train is backing out of a siding a flagman must go a sufficient distance to the rear to insure protection.

"The front of a train must be protected in the same way, when necessary, by the fireman unless relieved from that duty by authority of the conductor. If no conductor, the directions of the engineman will obtain."

On page 33, Rule 210-A, reads as follows: "On receiving orders, conductor must read them aloud to the operator. The engineman must read the orders aloud to conductor and sign conductor's copy. Conductors must show their orders to rear brakeman, and the engineman to the fireman, and (in case of a freight train) to the head brakeman, who are required to read them."

Mr. Carter: Anything else?

Mr. Martin: Yes, sir. On page 63, Rule 313:

"It is alike dangerous to assume that signals given to the Engineman or Fireman have been seen, and if seen will be obeyed—when obedience to those signals on the part of the Enginemen or Firemen is essential to the safety of an employe in the performance of his duty."

Mr. Carter: Continue to read until you have given all the rules affecting firemen.

Mr. Martin: On page 83, Rule 462:

"They must at all times keep a sharp lookout to see that no portion of the train becomes detached without their instantly observing it. They will also require the Firemen to do so when not necessarily otherwise engaged."

Page 86, we find a chapter devoted entirely to the duties of a fireman, Rules 491 to 500, inclusive.

"491. Firemen, when on the road, are under the direction of the Enginemen, and subject to the orders of the Trainmaster; and will, in all matters relating to the Mechanical Department, report to and receive instructions from the Master Mechanic or his representative.

"492. They must be on their engines at least thirty minutes before time of starting, and conform to the directions they may receive from the Enginemen.

"493. They must always observe the position of train order or other signals, and it is a part of their duty to personally examine all train orders, and they are required to call upon enginemen for them and will be held responsible for failure to report non-compliance with this rule.

"494. They must watch the Engineman, and in case he should fail to promptly obey signals, see that he is not disabled. If the engineman becomes suddenly disabled or cannot be kept awake, stop the train and report to the Conductor.

"495. They must assist in keeping a constant lookout upon the track, and must instantly give the Engineman notice of any obstruction or signal they may perceive.

"496. They must make themselves familiar with train rules, including those that apply to the protection of trains, and must understand the use of signals and be prepared to use them promptly.

"497. They must not attempt to run an engine in the absence of the Engineman unless they are directed to do so by the Conductor or some officer in authority, in consequence of some special emergency.

"498. They must take charge of the engine should the Engineman at any time be absent, and will not leave it until his return, and not permit an unauthorized person to be upon it.

"499. They must ring the bell when required.

"500. When their train is starting from a station, they must look back until the last car has passed the platform safely and properly, and to notice any signal from the station or trainmen."

Mr. Carter: Have you any other rules that apply particularly to firemen?

Mr. Martin: Those are the rules that apply specifically to firemen.

Mr. Carter: Now, you do not complain that it is an undue hardship to require a fireman to have this knowledge, do you?

Mr. Martin: No, sir, I do not. I think we should have it.

Mr. Carter: Is it not a fact, in addition to the knowledge which you gained from reading, that the engineers for whom you fired, taught you a great deal concerning the operation of a locomotive?

Mr. Martin: Yes, sir, they did. I find that most engineers are very anxious to instruct their firemen, if they will show they are interested.

Mr. Carter: Then your knowledge that you have acquired is not only theoretical, secured from books, but from actual practice, and by the tuition received from engineers in practice?

Mr. Martin: Yes, sir.

Mr. Carter: Do you know anything of a recent increase in the number of rules in the Book of Rules from 337 to 424 since 1910, I mean the mechanical questions?

Mr. Martin: Yes, sir, the mechanical questions were increased some time in 1911. I don't remember just exactly when it was.

Mr. Carter: Would that indicate that the requirements are becoming, I will not say more severe, but stricter than formerly?

Mr. Martin: Yes, sir, I think it does.

Mr. Carter: Will you explain what are your preparatory duties?

Mr. Martin: The rules of the company require us to report at least thirty minutes before leaving time. But, in the preparation of a Mallet compound engine for road service, I find that thirty minutes is too short a time, and I usually get around about forty or forty-five minutes before leaving time.

Mr. Carter: What do you do within these forty-five minutes?

Mr. Martin: Well, we check over the supplies that have been placed on the engine; we look over our oil supply to see that we have the correct kind and amount of oil; we check over the signal appliances, to see that we have torpedoes, fusees, two red lights, one white light and two red flags, and the classification flags; we look at our fire, inside the fire box, to see that there are no serious leaks which might cause a failure on the road; look at the water in the boiler and see that the engine is in safe condition; we look at the supply of coal, and water on the tank; and with the construction of a Mallet type engine it is necessary also to get out and look in the combustion chambers in the boiler to see that they have been properly cleaned out. If they were not, it would probably result in steam failure on the road. Then we usually see that all the peep hole plates and washout plug covers that lead into these combustion chambers are closed; get down and examine the ash pans and grates and see that they are in proper working condition; try the mechanical grate shaker and see that it is working, and get our supply of drinking water and check over the firing tools.

Mr. Carter: The engineer's responsibility and yours are joint in this matter, are they not?

Mr. Martin: Yes, sir.

Mr. Carter: Now, what is the engineer doing all the time that you are doing this?

Mr. Martin: Well, he is usually pretty busy looking the engine around. One of these articulated compound engines is really two engines coupled together and it will take him all the time before leaving the roundhouse to check over any work that might have been reported, and examine the movable parts of his engine to see that everything is in proper condition to make a successful trip.

I will say that we are usually required—or I don't know as you could say required, but it is the custom on our road to leave the roundhouse twenty minutes before leaving time; if we do not get away at least twenty minutes before leaving time, they usually have someone out there to find out why we have not started away from the roundhouse.

Mr. Carter: Then I understand that you and the engineer find plenty to do during this preparatory period?

Mr. Martin: Yes, sir, we are both very busy.

Mr. Carter: As I understand it, the engineer is primarily

responsible, and you are responsible, as his assistant, in this matter?

Mr. Martin: Yes, sir; that is the case.

Mr. Carter: If anything would go wrong, you perhaps would both be penalized, if there was a grievous error?

Mr. Martin: Yes, sir; if a delay resulted from overlooking anything before we left the roundhouse, I think we would be asked to explain why this was not noticed before we left the roundhouse track.

Mr. Carter: I understand from what you said that you are now employed on a Mallet engine; is that true?

Mr. Martin: Yes, sir.

Mr. Carter: Will you explain your duties as a fireman, from the time you leave the initial terminal until you reach the final terminal. Now, there is no use repeating what you have read from your Book of Rules.

Mr. Martin: Well, of course, we are expected at all times to keep a sharp lookout, but on a Mallet type engine the fireman's duty primarily is to shovel coal, and that usually keeps him pretty busy. Of course, he has his fire to clean, and the fireman takes pride in his work and likes to sweep up the deck once in a while and keep the cab neat while he is out on the road.

Mr. Carter: I understood you to say that there is plenty of work for the fireman to do between terminals.

Mr. Martin: Yes, sir.

Mr. Carter: Have you any special duties to perform at the final terminal?

Mr. Martin: Yes, sir; we are required to fill the lubricators upon arrival instead of, as some roads do, fill them going out; because, if we waited to fill them going out, it might possibly result in a delay. And so, on arrival, we have three lubricators to fill on a Mallet type engine. We have what is commonly called the low pressure lubricator and the high pressure lubricator; those lubricate the engines and air pump. Then, the flange lubricator, which is used to lubricate the leading drive wheel flanges and sometimes also the pony truck flanges.

Mr. Carter: How long does it usually take you to do this?

Mr. Martin: Well, it will take us anywhere from twenty minutes to twenty-five minutes, if we work fast and have every-

thing right. We also, of course, have got to take our oilcan and tools and lock them up.

Mr. Carter: I notice you use the plural pronoun; when you say "we" I suppose you mean you and the engineer?

Mr. Martin: In speaking specially of the fireman's duty, I meant the firemen, as a whole, when I said "we."

Mr. Carter: The engineer has duties also to perform with you, has he not?

Mr. Martin: Yes, sir. He has to give his engine a thorough inspection upon arrival at terminal and report all necessary work; register out on the roundhouse register; and the engineer and fireman both are required, of course, to register on the Federal register, both on leaving and arriving.

Mr. Carter: About how much time before you actually leave and how much time after you arrive is required of you as a fireman, in addition to the time that you are in transit from the initial terminal to the final terminal?

Mr. Martin: Well, I should say at least an hour; I think it will run more than that.

Mr. Carter: The Santa Fe Railroad pays for this, does it not?

Mr. Martin: No, sir, it does not.

Mr. Carter: If it runs into overtime they pay for it, do they not?

Mr. Martin: No, our time starts from the time designated to leave on the caller's book.

Mr. Carter: Then you get no pay for this initial or final terminal work?

Mr. Martin: No, sir.

Mr. Carter: When you first went to firing on this Pecos division, did you fire a Mallet?

Mr. Martin: Yes.

Mr. Carter: Then you have worked on the same engine?

Mr. Martin: Yes, sir; I have been on the same engine since February, 1911, up until December 6th. I was displaced off a regular engine, then, on account of setting engineers back.

Mr. Carter: Now what are you doing?

Mr. Martin: I am not sure that I could hold anything, if I was back there now, except the extra board. I probably might, on the Western district, hold a regular engine, if they did not

make a final cut, which they were contemplating when I left the division.

Mr. Carter: Has the tonnage of the same engine increased since you have been there?

Mr. Martin: Yes, sir.

Mr. Carter: Have you any knowledge to what extent?

Mr. Martin: I have no figures on it, but I know from my own personal knowledge that it has been increased. I remember four years ago, when I hired out there, 2,200 tons was about the limit; we never thought about starting with more than that; and now we haul up to 3,000 tons.

Mr. Carter: With the same engine?

Mr. Martin: The same engine.

Mr. Carter: What are your terminal points there, on this Pecos Division?

Mr. Martin: I have been working from Clovis, New Mexico, at Vaughn, New Mexico.

Mr. Carter: How far is that?

Mr. Martin: 131 miles.

Mr. Carter: About how much coal is consumed on this locomotive in that 131 miles?

Mr. Martin: I should say—

Mr. Carter: I mean, with full tonnage.

Mr. Martin: With full tonnage we frequently burn up to thirty tons, and I have a record, I believe, of one trip where it went to thirty-three tons; I think that is the heaviest trip that I ever had.

Mr. Carter: You have an assistant fireman on there, have you not, on part of this run?

Mr. Martin: Yes, sir; the last 57 miles, there is a second fireman on the engine.

Mr. Carter: Do you believe that it is absolutely necessary to have this second fireman on the engine with you?

Mr. Martin: I think it is, absolutely.

Mr. Carter: You do not think that one fireman could get over the road in the same time, do you?

Mr. Martin: No, sir, he could not. I don't believe that one fireman ordinarily could take one of those engines over the road with full tonnage at all.

Mr. Carter: Do you believe that the second fireman being on this engine makes it possible to haul more cars?

Mr. Martin: I have heard the officials of the company say that they were getting better performance out of the engines since they placed the additional fireman on.

Mr. Carter: Do you think that it has reduced the time; that is, do you think that one of these engines with full tonnage would go over the road in less time with the two firemen on than with one fireman on?

Mr. Martin: Yes, sir, I am sure they would, because that has been my observation. We are making from an hour to an hour and a half better time now than we formerly did.

Mr. Carter: Do your trips now run into overtime with these two firemen?

Mr. Martin: No, sir; I have not had an overtime trip in a long time, unless it was some rare occurrence, where we would have unusual delays or something like that.

Mr. Carter: If you did not have these two firemen, do you believe you could make it without the payment of overtime?

Mr. Martin: Well, if one man had all the work to do, I am pretty sure he would run into overtime.

Mr. Carter: Then, is it not a fact that the second fireman pays his own fare?

Mr. Martin: I think he does.

Mr. Carter: It does not cost the railroad company anything?

Mr. Martin: I don't believe he does.

Mr. Carter: It increases the efficiency of the locomotive?

Mr. Martin: Yes, sir.

Mr. Carter: And reduces the overtime to all members of the train and engine crew?

Mr. Martin: Yes, sir. The general manager of the Western Lines was through Clovis one time, and he asked me how we liked the assistant fireman proposition, and I told him that it had been a great help to the boys on the division; and we talked about it a little while and he said: "Well, the company was satisfied with the proposition, if the men were."

Mr. Carter: On your return trip, you do not have this fireman, do you?

Mr. Martin: No, sir; he deadheads down the hill to where he got on, and helps another train.

Mr. Carter: How much coal will you burn coming back the other way?

Mr. Martin: It varies from about ten to fifteen tons on the return trip.

Mr. Carter: Then, there must be a strong ruling grade in one direction?

Mr. Martin: Yes, sir; we have, going west, a 71 mile hill on the last part of the division, that we have to pull, and of course, coming east, it is down hill over half the division.

Mr. Carter: Do you ever notice the heat from the firebox in firing this locomotive?

Mr. Martin: Yes, sir, it is very great. Of course, we are protected considerably on account of the air door. If it was not for the fact that they are equipped with an air door I do not believe a man could hardly stand to fire one with a swing door; in hooking the fire, we have a grade of coal there that must be hooked sometimes to loosen it up; and sometimes in hooking the fire I have had my glove break out ablaze; the door would have to remain partly open in order to hook it, without the air door.

Mr. Carter: Explain what you mean by the air door.

Mr. Martin: It is two slides that work like this (illustrating) in grooves at the side of the door, and when you press a lever with your foot, the air throws the door open, and then it snaps shut again; of course, it is just an instant that it is open, while you are putting a shovel of coal in.

Mr. Carter: You spoke a moment ago about a mechanical grate shaker. Has the Santa Fe equipped those engines which you fire with mechanical grate shakers?

Mr. Martin: Yes, sir, it operates with steam.

Mr. Carter: Do you believe you could shake the grates if there were large clinkers on the grates, in a Mallet engine?

Mr. Martin: You could not, the way they are connected up at present. Instead of being four different grate stubs, as on most large firebox engines, with a Mallet there are only two; half the grates of the entire firebox are connected up to one stub; and with the mechanical grate shaker, of course, it is an easy matter to shake the grates.

Mr. Carter: Do you have on this engine that you fire a mechanical coal hoist or passer?

Mr. Martin: Yes, sir.

Mr. Carter: What does that do? Explain to the Board what that does for you?

Mr. Martin: It keeps the coal shoved up against the coal gate so that the fireman does not have to dig it down or reach for it. It is constructed by simply being an apron that lies back in the coal pit of the tank, and it is hinged at the bottom; at the top of this apron there are two air cylinders connected up to the main air reservoir by air hose; and when you turn the air on to it, the cylinders tilt that apron over and dump the coal right over against the gates.

Mr. Carter: Then the Santa Fe Railroad, on this division, and on this locomotive, has provided for the assistance of the fireman, an extra fireman on 52 miles of track in one direction, a mechanical grate shaker, and a mechanical coal passer?

Mr. Martin: Yes, sir.

Mr. Carter: Anything else in the way of mechanical appliances to assist the fireman?

Mr. Martin: We have the air dump ash pan.

Mr. Carter: The air dump ash pan?

Mr. Martin: Yes, sir, which is of great assistance.

Mr. Carter: And the air door?

Mr. Martin: And the air door, yes, sir.

Mr. Carter: Do you believe it would be possible for a fireman to fire these locomotives with this tonnage over this division without these appliances?

Mr. Martin: No, sir, I don't believe it would.

Mr. Carter: Is it not a fact that where you do not have these appliances, that the engineer assists the fireman, to a great extent?

Mr. Martin: Well, the engineer used always to assist the fireman over the division before they put on a second fireman on that hill; he found it necessary to do that, to keep from having a failure on the road.

Mr. Carter: The engineer went back and shoveled coal down for you, did he not?

Mr. Martin: He did, before they were equipped with coal passers.

Mr. Carter: And before they had mechanical grate shakers, it required his assistance to shake the grates after the coal was clinkered on the grates?

Mr. Martin: With this type of engine, they came from the works equipped with mechanical grate shakers. With other types, I have had the engineers assist me in shaking the grates.

Mr. Carter: Then it may be said that the Santa Fe, at least on this engine and on this division, have done all they can to assist the fireman?

Mr. Martin: Yes, sir; they have done everything in their power, I think, to relieve the fireman of work.

Mr. Carter: Do you believe that the same thing is practicable on other railroads and on other locomotives?

Mr. Martin: Yes, sir, I think it is.

Mr. Carter: Do you believe it is profitable to the Santa Fe railroad to have done this?

Mr. Martin: I believe it is, or they would not continue to equip engines with these appliances.

Mr. Carter: It makes the engine more efficient, does it not?

Mr. Martin: Yes, sir; it does.

Mr. Carter: Do you know anything about the superheater engines?

Mr. Martin: This engine that I am firing has both a superheater and reheater, and I have fired several superheater engines, and have fired some saturated steam engines; but most of my firing has been done on superheater engines.

Mr. Carter: Have you discovered that when superheater engines are loaded to their full capacity that they burn as much coal as a saturated engine would under the same circumstances?

Mr. Martin: I believe they do.

Mr. Carter: Is it not a fact, Mr. Martin, that any new engine burns less coal than an old engine; I mean by that, a new engine, in perfect mechanical condition, and compared with an engine, perhaps the same engine, after the flues become scaled and mud settles in the crown sheets more or less and the valves blow; is there not a great difference in the amount of coal consumed between an engine in new or good mechanical condition and an engine which has been in service for some time?

Mr. Martin: Oh, yes.

Mr. Carter: About what percentage of coal do you think would be the difference?

Mr. Martin: Well, if there were bad blows past the valve rings it might run up as high as 25 or 30 per cent, and other defects, slightly smaller per cents.

Mr. Carter: Then a superheater engine, when it is tested out in perfect mechanical condition is hardly representative, so far as coal consumption is concerned, as compared with what that engine will burn after it gets in more or less defective condition?

Mr. Martin: No, sir, it is not.

Mr. Carter: Is it not a fact that all locomotives get in a more or less defective condition before they are taken in for an overhauling?

Mr. Martin: Yes, sir; they usually let them go about as long as they can and not result in serious delays. I do not know just what the mileage is between shoppings on our division, but I know that I have put this engine, that I am now firing, in the shop twice, and at one time before they took her in it got to where it was almost impossible for us to get over the road with her, without a failure.

Mr. Carter: You used much more coal, didn't you?

Mr. Martin: Yes, sir, because I think she had in her mileage, and was pretty badly worn.

Mr. Carter: And yet she was a superheater?

Mr. Martin: Yes, sir.

Mr. Carter: And had a reheater?

Mr. Martin: And a reheater also.

Mr. Carter: What has been the effect of this increased tonnage on your standing on the firemen's seniority list?

Mr. Martin: Well, it has crowded me back considerably.

Mr. Carter: How many firemen are now older than you on the firemen's seniority list?

Mr. Martin: I have a seniority list here (producing paper). I found an old seniority list dated August 29, 1911; that is as far back as I could get one; and on that seniority list I was twenty-first man in firing service, and there were sixty-one men firing. On December 1, 1914, there were thirty-eight men in firing service and I was the twenty-third man.

Mr. Carter: Do you mean that these thirty eight men are

doing as much work for the company, practically, as the larger number did, because of the increased tonnage?

Mr. Martin: I would not hardly say that they were doing as much; of course, business has decreased a little; but I think most of it has been caused by increased tonnage.

Mr. Carter: How many years do you think it will be before you will have a regular engine to run; that is, before you are a real engineer?

Mr. Martin: Oh, that would be pretty hard to judge. I would say probably ten years, the way things are going now, or maybe longer.

Mr. Carter: From your knowledge of the experience of others, before these big engines came, did firemen have to fire as long as they do now before they had engines to run?

Mr. Martin: No, sir; promotion was fairly quick on our road before the Mallets were installed there.

Mr. Carter: How many firemen have been laid off on your seniority district because of fluctuations in business, perhaps, and increased tonnage of these huge locomotives?

Mr. Martin: Well, there have been very few laid off, but the last three or four years, firemen have been quitting, and a few getting discharged, and they have not been hiring as many to take their places, and they have gradually allowed the seniority list to dwindle down in that way, until now, on the firemen's seniority list proper, we carry 31 firemen, and two of them are cut off—no, 30 firemen, and there are two cut off, which leaves 28 firemen carried on the seniority list. And on this seniority list of August 29, 1911, there were 61 men on it. The difference between the 28 men on the list and the 38 men we have in firing service is made up from the fact that we have ten engineers in firing service.

Mr. Carter: You said that these firemen are quitting. Why do they quit? Are they dissatisfied with the work they have to do, or the pay they receive?

Mr. Martin: Before the assistance was given and the second fireman was put on these engines, they used to quit quite rapidly, on account of the hard physical duty that they were forced to perform on those large engines; but since the second fireman has been put on, there have not been so many quitting, and they have been staying a little better.

Mr. Carter: Did I understand you to say, back in 1911 you were number 21 on the list?

Mr. Martin: Yes, sir.

Mr. Carter: And in 1914 you are number 23?

Mr. Martin: Yes, sir.

Mr. Carter: At that rate how long will it be before you are number 1?

Mr. Martin: It will be quite a while.

Mr. Carter: When firemen are cut off on account of depression in business or from any other cause, do they give firemen employment in the roundhouse or elsewhere?

Mr. Martin: They try to. I know of one or two cases where they have been forced to cut the man off temporarily. You understand, our business fluctuates on the Pecos Division; some seasons it is better than others, and we have to reduce the board—

Mr. Carter: They try to do the best they can?

Mr. Martin: Yes, sir, the company do the best they can with the men they cut off.

Mr. Carter: But it would be impossible for them to provide this work; I mean to say when they cut the road force, they probably cut the shop force; is not that true?

Mr. Martin: I think it is the case—I could not say about the shop force.

Mr. Carter: If you were cut off the list now, after all this service, after having fulfilled every requirement of a fireman, could you get employment again? Suppose you were dismissed, we will say or suppose you were dismissed and came back to get another job there and made application, could you get back?

Mr. Martin: Do you mean if I was discharged from the service?

Mr. Carter: I mean to say, are you tall enough and big enough to fire an engine on the Santa Fe road now? Does it not require a taller and heavier man than you now to get a job?

Mr. Martin: Yes, sir, they have the height and weight limit now. I could not get on now, if I were out of the service. They did not apply that ruling at the time I hired out.

Mr. Carter: What would that indicate, that it now takes a bigger fireman or a longer fireman to do the work?

Mr. Martin: I think it would, yes, sir.

Mr. Carter: What about your wages for the past year? Can you tell me the average? I will not bother you to look up the records, but can you tell the average?

Mr. Martin: About ninety some odd dollars.

Mr. Carter: About ninety some odd dollars during the year 1914?

Mr. Martin: Yes, sir.

Mr. Carter: How about 1913?

Mr. Martin: It was about the same, I think; probably a little bit different one way or the other.

Mr. Carter: Did you work pretty steadily?

Mr. Martin: Well, I worked all that I thought I was physically able. I have the average here for 1911, which was $102.19; that was the average monthly wage. In 1912 it was $100.49. And my time book for 1913 I have misplaced, but for 1914, that is the first eleven months, it was $91.14. Now, you will understand that this average was figured from my time book and not from the amount of checks that I get from the company. Sometimes it would vary a few cents, and the average figure from the company's payrolls might be two or three cents one way or the other, but it will not vary more than that.

Mr. Carter: Haven't you made more money in the recent past than you wanted to make—didn't your firemen and perhaps your engineers complain that you had to work too much in the last few months?

Mr. Martin: Some time during the early fall, I don't remember just the month—I think it was in September—the firemen complained to me that there were not enough engines in the pool and that they would like to get another engine cut in; that they were making too much mileage, and myself and the engineers' local chairman went to the master mechanic and requested that another engine be cut in, and he refused to do it on the ground that the company wanted the engines to make 4,200 miles a month if they could.

Mr. Carter: That was purely an operating matter?

Mr. Martin: It was an operating matter, I think. Then we requested that he cut in another crew and leave the same number of engines in, but he refused on the ground that that would be pooling the engines, and the Santa Fe didn't believe in pooling engines.

Mr. Carter: The fact remains that your wages at $91 per month, or whatever the wages of the other firemen were, were larger than they would have been had you had your way about it?

Mr. Martin: Some of the fellows had difficulty in laying off at the time, but as for myself, I cannot say I did. I would lay off and get my rest. I am Local Chairman for the Firemen, and I must say that the local officials have always treated me very nicely, and when I requested to be off on business, or for any other matter, they usually arranged it, if they could, and let me off; but some of the other men had difficulty in laying off.

Mr. Carter: Suppose, in a case you came in and felt so fatigued that you felt like you wanted to be in bed for twelve hours, your engine was called out in ten hours, and in order to get that additional two hours rest you had to lay off, about how much would that two hours rest cost you on account of an extra man being on your engine?

Mr. Martin: I could not take my engine again until it came back to the home terminal, where I laid off, so, to get the extra two hours, I would have to lose 262 miles on my engine.

Mr. Carter: How much would that amount to?

Mr. Martin: It would amount to $10.48.

Mr. Carter: Then, it costs about five dollars an hour for rest, under those circumstances?

Mr. Martin: Yes, sir, under those circumstances, it would.

Mr. Carter: Isn't it a fact that, because of this expense, men struggle to go out again, to prevent losing so much money?

Mr. Martin: I believe some of them do.

Mr. Carter: Would it have been a relief to you had there been another engine cut into the pool, so you would not have to lay off and lose the trip?

Mr. Martin: Yes, sir, it would, at the time.

Mr. Carter: Was it not the practice before and since to do this?

Mr. Martin: I cannot remember since I have been local chairman there, that we ever had any difficulty before in adjusting the number of engines in the pool to the wishes of the men.

Mr. Carter: Then the earnings of yourself and associates, and that includes the engineers, would probably be higher during this past fall than usual, or rather, I won't say than usual, but higher than you wanted them to be?

Mr. Martin: On some of the men I believe it came out a little higher. Myself, I found it necessary to lay off for rest. My engine was making too many miles and I had to lay off.

Mr. Carter: Do you know anything concerning the matter presented by Mr. Stone this morning, about forbidding railroad employes to hold elective positions, governmental positions?

Mr. Martin: Yes, sir. We have a case on our division along that line. There was a conductor on the Pecos Division, by the name of Nichols, that ran for county representative, and was elected; and when he came out for the second term he told me himself that he was going to withdraw, after he had already, I believe, announced his candidacy, and I asked him why, and he said the company had forbid him to run for re-election.

Mr. Carter: Do you know of any other case?

Mr. Martin: I have no personal knowledge of any other case, but I have heard of another case on the New Mexico Division, where a switchman in the yard there was told to withdraw or resign, and he did neither, and I understood they took him out of the service. Of course, I only hear this talk among the boys; I have no personal knowledge.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: I did not quite understand what you meant by "county representative"—member of the Legislature?

Mr. Martin: Yes, sir, the lower House of the Legislature.

Mr. Sheean: Do you think a person could attend to his duties at the Legislature and also perform his railroad duties at the same time?

Mr. Martin: He could, if he was on a leave of absence.

Mr. Sheean: He might take a leave of absence during his term of office?

Mr. Martin: Yes, sir.

Mr. Sheean: Did he take a leave of absence during one term in the Legislature?

Mr. Martin: Yes, sir, he did.

Mr. Sheean: And was thinking of running again, and the company thought if he wanted to go back to serve in the Legislature—that one leave of absence was enough—how long was it, one year or two years?

Mr. Martin: It was only ninety days. He took a leave of absence during the time the Legislature was in session. Between meetings he was back on the road running as a conductor.

Mr. Sheean: What was his whole term of office, one year or two years?

Mr. Martin: Two years.

Mr. Sheean: Two years?

Mr. Martin: And his leave of absence was during the session of the Legislature for two years' time?

Mr. Martin: No, sir, I don't understand it that way. It was necessary for him to get two ninety-day leaves of absence. I think the regular term of the Legislature was ninety days, and of course that would necessitate his being absent from his position for a period of ninety days once each year.

Mr. Sheean: And this conversation you had with him was that the company thought he ought to take one job or the other?

Mr. Martin: Yes, sir.

Mr. Sheean: And they let him elect which one he preferred?

Mr. Martin: He told me that the company told him to either resign his position with the company or withdraw from re-election. As he had a family to support, why, he had to withdraw.

Mr. Sheean: How many Mallets are there on this division of the Santa Fe?

Mr. Martin: At the time I left the division there were twelve engines on the two districts. On the district I worked on, there are six.

Mr. Sheean: About how many engines of other types or styles on that division?

Mr. Martin: Why, there are some smaller engines that run on a branch, but the Mallet is the only type that is used on the main line.

Mr. Sheean: That is the only division, is it, that you have worked on, on the Santa Fe?

Mr. Martin: No, sir, I had about, I think, six months previous experience on the New Mexico division, out of Ratoon.

Mr. Sheean: When was this particular type of Mallet installed on the Santa Fe, on this division?

Mr. Martin: I could not tell you exactly, but they were there when I hired out there. They were installed some time

in either the summer or early fall of 1910, and I came there November 22, 1910, and they were right new engines then.

Mr. Sheean: And in the latter part of December, 1910, a new and higher rate was established on the Mallet?

Mr. Martin: Why, yes, I think an award was made to cover the Mallets in the movement of 1910.

Mr. Sheean: Then, at that time, were the Mallets which were operating there provided with the automatic coal pusher?

Mr. Martin: No, sir, they were put on later?

Mr. Sheean: And the Mallets which were operating at that time went entirely over the division with a single fireman?

Mr. Martin: Well, there was only one fireman on the engine; but you understand one man was not shoveling all that coal; the engineer was assisting the fireman either one-third—hardly that much, but I will say probably one-fourth or one-third of the way up that hill.

Mr. Sheean: When was it that the second fireman was provided up this hill?

Mr. Martin: The second firemen were placed on those engines January 1, 1913, I think.

Mr. Sheean: Then, from December down to that date, January 1, 1913, the same Mallet was operated over the division with one fireman and one engineer on it?

Mr. Martin: Yes, sir.

Mr. Sheean: And since that date, on the latter part of the division, they have provided for the assistant on how much?

Mr. Martin: Fifty-seven miles.

Mr. Sheean: Is that on this hill you speak of?

Mr. Martin: The hill is 71 miles long and the first water tank on the hill is 57 miles from the terminal, so when we stop there to take water, there is where we pick up the second fireman.

Mr. Sheean: And that fireman's work, as I understand you, is firing on that engine to the terminal and then deadheading back to the same point, for other trains?

Mr. Martin: Yes, sir. He takes turn-about with the regular man on the engine. Each takes it a station—every other station. The stations are about six and a half miles apart and they change at every station, from there to the terminal.

Mr. Sheean: During this 57 mile run?

Mr. Martin: Yes, sir.

Mr. Sheean: This fireman is assigned to that special work, between those two points, is he?

Mr. Martin: Yes, sir, he works from this place—Ricardo, is the name of the place—and he works to Vaughn, and then deadheads back to Ricardo, and comes up on the next fellow's engine.

Mr. Sheean: And that fireman has that particular piece of work?

Mr. Martin: Yes, sir.

Mr. Sheean: Deadheading down the hill and helping the Mallets up the hill?

Mr. Martin: Yes, sir.

Mr. Sheean: Did I understand you to say that the rate on this Mallet engine, for one of the round trips, was ten dollars and something?

Mr. Martin: $10.48.

Mr. Sheean: $10.48?

Mr. Martin: Yes, sir.

Mr. Sheean: So that if your earnings have averaged $90 per month, that would mean you made nine round trips in the month?

Mr. Martin: Eighteen days, yes, sir. Of course, that includes, you will understand—my yearly average includes about from twenty to thirty days vacation that I take every year. But I usually take it this way, I lay off from the 15th of one month maybe until about the 10th of the next month, and I will draw a pay check both months, but won't get in two full months.

Mr. Sheean: These averages you have given of something over one hundred dollars in 1911—

Mr. Martin: Yes, sir, $102.

Mr. Sheean: And then about $100 in 1912; in 1913, you did not have your time book; and ninety dollars and something in 1914—the $100 made in 1911 was made at the same rate?

Mr. Martin: Yes, sir.

Mr. Sheean: But at that time, in order to make the same rate between the two points, the firemen was without any assistance on the last fifty-seven miles of the run?

Mr. Martin: No, sir, we had the assistance of the engineer.

Mr. Sheean: I mean without the second fireman—I did not intend, Mr. Martin, at all, to go into the question of the engineer

helping him there. During that time there were not two firemen on the latter part of the run?

Mr. Martin: No, sir.

Mr. Sheean: And, during a part of that time, there was not the automatic coal pusher?

Mr. Martin: I don't remember just exactly when the pusher was put on, but it was some time after I hired out there. I remember their being installed after I hired out there.

Mr. Sheean: Then, when you speak of the average of about $90 per month, you carried into that average the twenty or thirty days vacation that you have taken, usually, each year?

Mr. Martin: Yes, sir.

Mr. Sheean: And while you might make twenty-three or twenty-four trips in the month, yet the average through the whole year, where you have taken a vacation of twenty or thirty days,—it might bring your average down to the $90 per month?

Mr. Martin: Yes, sir.

Mr. Sheean: Well, there hasn't been, in your case, Mr. Martin, any great enhancement of earnings here in the month of September last?

Mr. Martin: No, sir, because I was not physically able to stand to follow one of the engines. I found it necessary to lay off and rest.

Mr. Sheean: The engines operating in the month of September were smaller in number than at previous times?

Mr. Martin: No, sir. The business fluctuates greatly on our division at different seasons of the year, and they usually keep some extra engines there, and when business picks up they cut in one, and when it falls off they cut off one.

Mr. Sheean: Was that a very temporary fluctuation there?

Mr. Martin: No, it lasted quite a while. It seems like in the fall, we had two or three months of pretty good business.

Mr. Sheean: The reason I asked that, Mr. Martin, is this: I have what purports to be a copy of the seniority list there, of August 31, 1914, at which time you seem to be fourteenth on the list.

Mr. Martin: But you will remember that there are ten engineers in firing service, which makes me—there are either nine or ten—which makes me twenty-third man. I am twenty-third man in firing service now, the way I count it.

Mr. Sheean: Since August last, have there been men demoted there?

Mr. Martin: No, sir. Those men were men who were demoted right after the Mallets came there. We had a small class of engines there, and I think there were sixteen or eighteen engines in service on this same district where they are working six now. Of course, that set a great number of engineers back.

Mr. Sheean: That was prior to the time you went on the list firing?

Mr. Martin: The increased tonnage, as I say, has had quite a bit to do with it. We had, at one time, twelve Mallet type engines. I think, when the engines were first brought there, that twelve took the place of probably sixteen, and then, as the tonnage was increased, and then business has decreased a little also, why, the number gradually fell, until there are six engines now working on the same district.

Mr. Sheean: Mr. Martin, how many Mallets were there there when you first went to firing there?

Mr. Martin: When I first started out I think there were twelve. I am not sure but I think there were twelve.

Mr. Sheean: And the same number of Mallets are there now?

Mr. Martin: I mean there were twelve on the first district and about that many on the west district. Now, there are six where there were twelve working then.

Mr. Sheean: And all Mallets?

Mr. Martin: All Mallets.

Mr. Sheean: And the same type and style of Mallets?

Mr. Martin: Well, there are a few of a little heavier type that have been brought there. Those original Mallets weighed 305,000 pounds on drivers, and the new ones that came on weighed 315,000 pounds; but I think the rating is practically the same on the two engines.

Mr. Sheean: At the time you entered the service as a fireman, the power there was all Mallet engines?

Mr. Martin: Yes, sir.

Mr. Sheean: And your position on the firemen's seniority list is what now?

Mr. Martin: On the firemen's seniority list proper?

Mr. Sheean: Yes.

Mr. Martin: I am the fourteenth man on the firemen's seniority list.

Mr. Sheean: You are the fourteenth on the firemen's seniority list?

Mr. Martin: Yes, sir.

Mr. Sheean: Now, how many men during your time as fireman there, have been demoted from positions as engineers?

Mr. Martin: Well, I should say practically all of these ten men that are back firing. They were all running when I first started out there, because the Mallets—there were more of them in service, nearly twice as many in service as now, and they were new and the new men found them harder to operate—and they laid off more then they are now, and consequently all the demoted men were working; but as they began to lose time on account of heavier power, they gradually began cutting the engineers' board and they kept cutting it until now they have men back firing that were holding regular engine runs when I hired out there.

Mr. Sheean: And that is notwithstanding the fact that during all that time, on that division of the Santa Fe, there has been no change in the tractive power of the engines used?

Mr. Martin: Yes, sir, there has been a change.

Mr. Sheean: The difference in weight on drivers from 305,000 to 315,000 pounds, which I understood you to say was practically the same tractive effort.

Mr. Martin: What I meant was that the tractive effort—probably, at the time they first came there, they were not using the engines up to their capacity, but they are now.

Mr. Sheean: Then it is due entirely to more efficient loading and more efficient handling of the engines, in getting nearer their rated capacity out of them

Mr. Martin: They are making us haul—if they have got the tonnage, they are giving us about all we can get over the road, that is, about all the engine will pull.

Mr. Sheean: What I meant was that there has been no change in the motive power itself.

Mr. Martin: No, sir.

Mr. Sheean: The men have become more efficient in handling and possibly the train despatcher is more efficient in loading,

but the motive power itself has not changed during the time you have been a fireman on that division?

Mr. Martin: No, sir, the motive power is the same.

Mr. Sheean: Have you your earnings back of 1911, or, is that the first year you worked as fireman, is that what you mean by 1911?

Mr. Martin: I was there from November 22, 1910, that is when I hired out, so there was only a portion of November and December.

Mr. Sheean: And counting the first year, 1911, that runs from January to January?

Mr. Martin: Yes, sir, or from January 1st to December 31st.

Mr. Sheean: Of 1911?

Mr. Martin: 1911, yes, sir.

Mr. Sheean: Do you recall about what the time of your lay-off was that year, did you lay off twenty or thirty days?

Mr. Martin: No, sir, I don't recall. I have been making a practice of going home some time every year, but I don't remember just what time of the year it was.

Mr. Sheean: In these examination papers that you speak of, Mr. Martin, the number of questions, are those questions distributed to the firemen to study?

Mr. Martin: Yes, sir, you can go to the master mechanic's office and get one of those little books that contain the questions.

Mr. Sheean: So that the questions that you may expect at the first, second and third year examinations, are provided in advance?

Mr. Martin: Yes, sir.

Mr. Sheean: And by observation, or inquiry, or study, you will know what questions you must be able to answer when the examination comes?

Mr. Martin: Well, not entirely. You will notice in one of the books it says, "The foregoing questions may lead the examiner to ask other questions not contained herein." Of course, probably, there will be twice the number of questions asked, as are contained in this book, but they are all good practical questions. We have no quarrel to find with them at all.

Mr. Sheean: As to any of them?

Mr. Martin: No, sir.

Mr. Sheean: You think they are all really proper and essential to a proper qualification of the firemen?

Mr. Martin: Yes, sir, I think they are all good, practical questions.

Mr. Sheean: You have had no experience with a mechanical stoker?

Mr. Martin: No, sir, I have not.

Mr. Sheean: Did you operate a saturated engine having the same weight on drivers as these Mallets?

Mr. Martin: Before I came to the Pecos division, while firing out of Raton, I fired engines of the same class that were superheated and saturated. That is, we had what is commonly known as the Santa Fe type engine. They are a 2-10-2 single coupled engine, and they weigh about 215,000 pounds, I believe, on drivers. The 901 was a superheater engine, and the other 900's there were saturated steam engines. The 901, at one time that I can recall there, I got her off the extra board and held her for several trips because she had no regular assigned fireman. I was too young to hold a regular engine, but the firemen were seemingly keeping away from her because she was a hard game. That was on account of the superheater pipes leaking and making her awfully hot at the door. While a superheater is all right theoretically, usually, in practice, there is some disadvantage, to the fireman at least, I am speaking of—I don't know about the company's side of it—that overbalances the theoretical saving in coal.

Mr. Sheean: What type of superheater was that?

Mr. Martin: It is what is known as the Buck-Jacobs; it is a flue superheater.

Mr. Sheean: In the comparison that you made, did you have in mind a superheater that was partially leaking?

Mr. Martin: I think the reason this engine was such a hard engine to fire, could probably be laid to two causes; one of them that the superheater was leaking; and the other one, that the superheater so filled up the smoke box in there that it was almost impossible to give the engine the proper draft.

Mr. Sheean: Do they still use that type of superheater?

Mr. Martin: The Mallets have that type of superheater, but I will say that they practically keep them tight on the Mallets, that is as near as they possibly can.

Mr. Sheean: Of course, a leaky superheater detracts very much from the very purpose for which it was designed.

Mr. Martin: Yes, sir; not only that, but it makes the engine fail to burn her fire, and you have got to be hooking her all the time, or she will go back in steam; and it also makes it very hot at the door. An engine of that kind will burn your overalls off at the door when leaking.

Mr. Sheean: With a superheater not leaking, but performing the function it is designed to perform, and a saturated engine of the same weight on drivers, have you had the opportunity of observing whether the coal consumption on the one is greater or less than on the other?

Mr. Martin: I think it would be about the same, because those improvements I believe have been largely placed on an engine to increase the engine's capacity for hauling tonnage, and not so much for lightening the labors of the fireman.

Mr. Sheean: Then, Mr. Martin, on an engine having equal tractive power, put it that way, where the superheater has an equal tractive power with the saturated engine, which of the two burns the least coal?

Mr. Martin: I couldn't answer that question for you, because I never had any experience with conditions like that.

Mr. Sheean: Put it the other way then; with the two weighing 215,000 pounds on drivers, one saturated and the other superheated, which has the greatest tractive effort?

Mr. Martin: Why, theoretically—well, they both have the same tractive effort, because tractive effort is caused by the weight of the engine on the rail. That is what produces the tractive effort. That is, if the cylinders will slip the wheels.

Mr. Sheean: Then, with the same weight on drivers, one equipped with the superheater and the other without it, which burns the greater or less coal, with the same weight on drivers?

Mr. Martin: Theoretically, it would be possible to work the superheated engine on a shorter cut-off, thereby using less steam, but I couldn't say practically that was the case, because my experience would not allow me to say that truthfully.

Mr. Sheean: I understood your comparison to be, Mr. Martin, where they were both loaded up to their actual tonnage capacity, that the one would burn the same quantity of coal as the others, but did you not assume in that question that the

superheater had a greater tractive effort than the saturated steam engine, burning the same amount of coal?

Mr. Martin: Well, in answering that question, what I meant was simply that if they superheat an engine, they usually, I believe, increase their tonnage. That is the practice and that is what the superheater is placed in there for, in order to make it capable of hauling more tonnage.

Mr. Sheean: And the placing of a superheater on an engine, and thus giving it a higher tonnage rating, will cause that engine, with the greater tonnage rating, operating as a superheater engine, to go on with the same quantity of coal, that the same engine consumed, when operated as a saturated engine?

Mr. Martin: Theoretically that would be true.

Mr. Sheean: About what is the grade on this hill that you spoke of there, Mr. Martin?

Mr. Martin: It is thirty-one feet to the mile.

Mr. Sheean: Thirty-one feet to the mile?

Mr. Martin: Yes, sir, that is three-fifths of one per cent.

Mr. Sheean: For how far, what distance?

Mr. Martin: Seventy-one miles.

Mr. Sheean: And for fifty-seven miles of that seventy-one miles, the second man is placed on the engine?

Mr. Martin: Yes, sir, we have an assistant.

Mr. Sheean: What is the whole length of that division?

Mr. Martin: One hundred and thirty-one miles.

Mr. Sheean: What is the ruling grade on the other part of the division, where the second man is not placed on the engine?

Mr. Martin: The division is what you might call level, for the first thirty miles going west. Of course, it is over a prairie country, up and down, but it is practically level. Then we have thirty miles that is mostly down hill. Then we have seventy-one miles up hill.

Coming the other way, out of the terminal, eastbound, we drift seventy-one miles, then we have thirty miles practically all up hill, and thirty miles practically level into the terminal.

Mr. Sheean: And on this eastbound trip, the two firemen are not maintained on the engine?

Mr. Martin: No, sir.

Mr. Sheean: In your judgment, on that eastbound trip, is there any necessity for two firemen?

Mr. Martin: Yes, sir, I think there is, for this reason, that we handle, you will understand, a very high class of freight across that cut-off. It is mostly perishable stuff, under ice, and they require very fast time to be made. If we are over five hours and a half coming west, one hundred and thirty-one miles, we will usually be asked—that is, unless we have a reasonable delay, we will be asked to explain the run. They will accept any reasonable delay, however, like a hot box, or something like that; but when we hit this up grade portion of the track, you have got to work an engine unmercifully hard to make that time, and those engines coming east I am satisfied will average very nearly six thousand pounds an hour coal consumption from the time we cross the river until we reach the home terminal.

Mr. Sheean: Assuming that the trip there over that division was gotten over in ten hours' time, that hundred and thirty-one miles eastbound, is there any necessity for a fireman on that sort of a trip?

Mr. Martin: Well, sir, I really could not say, because I don't remember of a trip where I ever consumed ten hours. I don't know what the fuel consumption would be if you took time enough to consume ten hours, going east.

Mr. Sheean: It is ordinarily a trip that is made in about five and a half hours?

Mr. Martin: In about five and a half hours, yes.

Mr. Sheean: In the other direction, about what time do you make?

Mr. Martin: It would run all the way from ten to thirteen hours. Very seldom any over thirteen hours. Usually make it in about eleven or twelve hours.

Mr. Sheean: On this $10.18, or whatever it was on the round trip, about how many hours do you put in on one of those round trips?

Mr. Martin: It will run seventeen or eighteen hours, I believe on the round trip, something like that. That would probably be a fair average. That is our running time. Of course, we would be on duty longer than that, because we would be on duty, preparatory time at each end of the road, and the final detention.

Mr. Sheean: Outside of this part of the Santa Fe, where there is this grade of thirty-one feet to the mile?

Mr. Martin: Yes.

Mr. Sheean: Do you know of any practice of two men on these Mallet engines?

Mr. Martin: No, sir, I do not.

Mr. Sheean: And on that division it has been done ever since the 1st of January, 1913?

Mr. Martin: I think that was the date, January 1, 1913.

Mr. Sheean: You have never, or have you operated on engines, or fired on engines of 185,000 pounds on drivers?

Mr. Martin: Why, we had a Consolidation engine that I fired a little; I don't know the exact weight but I think they were about that. Well, no, I think those Consolidations weighed about 174,000 pounds, that I fired. I don't believe I have fired any other engine than the Mallet that went over that, except the Santa Fe type, what is known as the Santa Fe type; that weighed I think 215,000 pounds on drivers.

Mr. Sheean: And on the 215,000 pounds on drivers, you have never known two firemen too operate over a division?

Mr. Martin: No, sir, I have never known them to, but on the piece of track from La Junta to the top of the Raton Mountain, I have known of lots of cases where the fireman had to call on the engineer for assistance.

Mr. Sheean: What is the grade there?

Mr. Martin: I don't know. I think it is about three-fifths of a per cent, and it is 98 miles long.

Mr. Sheean: Ninety-eight miles in length that that grade obtains?

Mr. Martin: Yes.

Mr. Sheean: That is all, Mr. Martin.

Mr. Carter: That is all. I want to make a statement, however. The witness evidently is not familiar with the fact that the present Mallet rate became effective before he entered the service of the company, as of May 16, 1910.

Mr. Park: I think, Mr. Sheean, the witness may want to correct that grade out of La Junta; I think you should give him the opportunity. He has it much too low there.

Mr. Martin: I don't know what that grade is. That is up to Trinidad, and then, of course, on the mountain it runs away up something like 200 feet to the mile, or 250 feet; but I am

speaking of the ruling grade coming from La Junta to Trinidad, but I don't know for sure what it is.

(Witness excused.)

The Chairman: We will take an adjournment until ten o'clock tomorrow morning.

(Whereupon, at 4:55 o'clock P. M., December 17, 1914, an adjournment was taken until 10 o'clock A. M., December 18, 1914.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Illinois, December 18, 1914.

Met pursuant to adjournment at 10:10 A. M.
Present: Arbitrators and parties as before.

Mr. Park: On page 1,466, line 31, there is an error in spelling the word "roundhouse." On page 1,394, first line in the fifth paragraph, I asked the question—"This refers to the last twenty days on the exhibit." And in the record it is "lost twenty days," it should be "last." On page 1,437, first line of the direct examination, Mr. Carter asks "In a distinct voice." This is a typographical error.

The Chairman: Are there any other corrections? Call your next witness, Mr. Carter.

HENRY L. ROSE was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: What is your name?
Mr. Rose: Henry Rose.
Mr. Carter: Where do you reside?
Mr. Rose: Escanaba, Michigan.
Mr. Carter: By what road are you employed?
Mr. Rose: Chicago & North Western.
Mr. Carter: On what division?

Mr. Rose: Peninsula Division.

Mr. Carter: How long have you been employed by the Chicago & North Western?

Mr. Rose: Altogether about five years.

Mr. Carter: How much seniority have you as a fireman now?

Mr. Rose: At the present time I have got two years and five or six months.

Mr. Carter: How do you account for that discrepancy between your seniority as a fireman and the length of time since you first went to work for the Chicago & North Western on the Peninsula Division?

Mr. Rose: I first started to work with them as a roundhouse man, and I fired from April 25th, 1910, to June 29th, 1912, and then I endeavored to get a job in train service and failed to do so, and returned as a fireman July 9th, 1912, and have been firing since.

Mr. Carter: Why did you conclude to quit firing and get a job in train service?

Mr. Rose: Well, it is preferable work. It is easier work, and I thought I could make more money at it.

Mr. Carter: When you resigned as fireman, you thought you had a job in train service, did you not?

Mr. Rose: Yes, sir.

Mr. Carter: Why did you think so?

Mr. Rose: I was led to believe by a promise from the trainmaster that he would put me to work as a brakeman.

Mr. Carter: And you resigned as a fireman but failed to get the job as brakeman?

Mr. Rose: I failed to get the job and, after laying around for eight or ten days, I concluded that, as it was a busy summer and I needed work, I would go back to work as a fireman.

Mr. Carter: And when they put you back as a fireman, after being ten days away, you lost your seniority?

Mr. Rose: Lost two years and two months.

Mr. Carter: What happens, to a man on the North Western if he is laid off on account of depression in business?

Mr. Rose: If they return him, he will start in with a new date as a fireman.

Mr. Carter: We have heard of firemen being laid off on

account of fluctuation in traffic and the introduction of big engines with larger tonnage. Suppose, on the North Western Railway, because of this increase of tonnage, fifty firemen are laid off at a certain point, and after they laid off that business picks up ten days later, have all of these firemen lost their seniority?

Mr. Rose: Yes, sir.

Mr. Carter: Is that a rule of the company or is that agreeable to the firemen?

Mr. Rose: That is embodied in the firemen's schedule. That is the best concession that they could get.

Mr. Carter: That is the best rule they would give the firemen?

Mr. Rose: Yes, sir.

Mr. Carter: Therefore, if that condition should arise on the North Western similar to that on other roads, where men have had several years, eight or ten years of service as firemen, and they were laid off on account of the fluctuation in business or the engines getting bigger, for ten days, they would lose that eight or ten years as firemen?

Mr. Rose: Yes, sir.

Mr. Carter: And have to begin over as new men?

Mr. Rose: Yes, sir.

Mr. Carter: And that is the rule of the company?

Mr. Rose: That is the rule of the company.

Mr. Carter: Not inspired by the firemen?

Mr. Rose: No, sir; not agreeable to them.

Mr. Carter: Since you have been working for the North-Western Railroad as fireman, have they changed locomotives; that is, have they introduced larger locomotives?

Mr. Rose: Yes, sir, in the last year we have had larger power introduced.

Mr. Carter: Now, describe the engine that you formerly had there.

Mr. Rose: Formerly our standard freight engine was R-1, weighing 126,000 pounds on drivers.

Mr. Carter: What type was the R-1?

Mr. Rose: 10-wheel type.

Mr. Carter: 10-wheel type?

Mr. Rose: Yes. At the present time we have a Consoli-

dated engine called Class Z, which weighs 203,500 pounds on drivers.

Mr. Carter: What has been the increased tonnage because of the substitution of the large engine for the small engine?

Mr. Rose: The tonnage has increased 50 per cent.

Mr. Carter: The tonnage has increased 50 per cent?

Mr. Rose: Yes, sir.

Mr. Carter: What effect has this increased tonnage had on the firemen?

Mr. Rose: It has reduced their earnings and reduced the working force of the firemen over 60 per cent.

Mr. Carter: How many firemen are there older than you there now?

Mr. Rose: Counting the seventy-five engineers that are set back, there are about ninety older men firing now.

Mr. Carter: And now you are not a regular fireman, and you are not an extra fireman, but you are on what they call the reserve, or available list, is that right?

Mr. Rose: At the present time I am subject to call, that is all.

Mr. Carter: By the creation of that available list, that simply saves your seniority?

Mr. Rose: That is all, yes, sir.

Mr. Carter: If they did not have an available list there, your seniority would be gone, is that right?

Mr. Rose: Yes.

Mr. Carter: Having the available list, how much work do you do on the available list, Mr. Rose?

Mr. Rose: I have not worked since the 14th of last month. We just get out when the extra list is exhausted. That is all.

Mr. Carter: How many years do you think it will be before you run a regular engine as an engineer?

Mr. Rose: Well, if we get another increase in size of engines, which we expect next year, I should think it would be thirty or forty years.

Mr. Carter: Promotion then will be very, very much slower in the future than in the past?

Mr. Rose: Yes, sir.

Mr. Carter: How many firemen did you say had been laid off on account of this substitution of big engines?

Mr. Rose: In the last two months over sixty firemen have been dismissed from the service on account of slack business.

Mr. Carter: Do you know how much seniority these firemen dismissed from the service had?

Mr. Rose: A little over two years; two years and two months.

Mr. Carter: All that seniority is gone now?

Mr. Rose: Yes.

Mr. Carter: Even if a man should come back tomorrow he would have to start in as a new man?

Mr. Rose: Start in as a new man, yes, sir.

Mr. Carter: When firemen are cut off, does the North Western Railway give them employment in the shops?

Mr. Rose: In a very few instances I have known it to occur; very few.

Mr. Carter: They would if they could, would they not?

Mr. Rose: I presume so.

Mr. Carter: Is it not a fact, that when business is depressed, or anything of that kind, that there is no room in the shops for anybody?

Mr. Rose: Yes.

Mr. Carter: They do lots of cutting there, do they not?

Mr. Rose: Yes, sir.

Mr. Carter: Then if the Board should have received the impression, by what has been said in the past, that when firemen are cut off the list, the railroads provide employment for them in the shop, it is a wrong impression, is it not?

Mr. Rose: Yes, sir.

Mr. Carter: Is it true, with the introduction of this heavier power; that the consequent increased tonnage has affected locomotive firemen nearly akin to the effect on employes in other industries of grave financial panics sweeping over the country?

Mr. Rose: Yes, sir.

Mr. Carter: In this instance, however, it is the fireman that suffers, and not the public, is not that true?

Mr. Rose: Yes, sir.

Mr. Carter: Where the increased tonnage has reduced the speed of trains to less than ten miles per hour, so that firemen are paid on an hourly basis instead of on a mileage basis, is the effect not an actual decrease in the earning power of the firemen?

Mr. Rose: Yes, sir.

Mr. Carter: Have you noticed a decrease in train speed since these big engines have come there?

Mr. Rose: Yes, sir; where we used to make a round trip out to the mines and back with the R-1 engines, schedule trains, we sometimes don't get one way with the large engines and heavy trains we are pulling now.

Mr. Carter: Then, Mr. Rose, whereas with the smaller engines, the 10-wheel R-1 engines, you made mileage, now you seldom or never make mileage with the class Z engines, unless you have an especially light trip?

Mr. Rose: Hardly ever.

Mr. Carter: Therefore your earning power has been curtailed, has it not?

Mr. Rose: Yes, sir.

Mr. Carter: Almost equivalent to a reduction of wages?

Mr. Rose: Yes, sir.

Mr. Carter: Did you tell us about how much the increased tonnage was?

Mr. Rose: Well, it has increased on different parts of the division; the conditions vary on our division, from grades, but it has increased from 475 tons, to some parts where it has increased to 2,060 tons.

Mr. Carter: Would that mean that one fireman today is earning about as much money for the North Western Railway as four firemen did on the smaller engines?

Mr. Rose: I could not say exactly; it is near that amount, I should judge.

Mr. Carter: I mean approximately.

Mr. Rose: Yes, sir.

Mr. Carter: Do you have to double hill with these big engines?

Mr. Rose: Yes, sir, it is very seldom we make a trip without doubling. We double from one to three, or four, or five hills on the trip.

Mr. Carter: Will you explain why you have to double these hills?

Mr. Rose: Well, the trains are too heavy.

Mr. Carter: Is it not a fact that they expect you to double and come back for part of your train, as a regular practice?

Mr. Rose: It is necessary.

Mr. Carter: That is, they anticipate that you will double, when you start out; is not that true?

Mr. Rose: They ought to know it; we do it every day.

Mr. Carter: They do it regularly every day?

Mr. Rose: Yes, sir.

Mr. Carter: Explain how you do this. You start out with the full tonnage, and where do you go?

Mr. Rose: Most of our trains go to Stambaugh or Crystal Falls.

Mr. Carter: How far?

Mr. Rose: Ninety miles to Stambaugh and about eighty miles to Crystal Falls. Formerly, with the R-1 engines, we made this round trip inside of the sixteen-hour limit. Now, we go one way, as a rule, and very often get only fifty miles out of Escanaba, when we are tied up, or complete our trip at Antwerp.

Mr. Carter: Is it not a fact that you start out of some terminal with full tonnage, and then you set out part of your train and pull the rest up, and come back and get the other part and then go on with full tonnage?

Mr. Rose: Yes, sir; whenever we get on one of these hills and stall, we try to get over them as a rule, but very seldom do; and we have to take half of the train to some side track, come back and get the remainder, pull it up, and couple them up again, and start out for the next hill.

Mr. Carter: Evidently, from what you say, it is the policy of the company to have one engine and engine crew pull just as much tonnage as it is possible?

Mr. Rose: Yes, sir, and a little more so.

Mr. Carter: You do not blame the railroad for doing that, do you?

Mr. Rose: No.

Mr. Carter: You think the railroads should get as much out of an engine as possible?

Mr. Rose: Yes, sir, I believe they should.

Mr. Carter: But do you believe, when they have done that, and almost the entire burden has fallen on the engineer and fireman, that some recognition should be given to these engineers and firemen?

Mr. Rose: Yes, sir.

Mr. Carter: You notice, in firing locomotives, that the heat is quite intense from the firebox?

Mr. Rose: Yes, sir.

Mr. Carter: Very intense, is it not?

Mr. Rose: Yes, sir.

Mr. Carter: Have you ever performed the service of a hostler?

Mr. Rose: Yes, sir; for four or five months last year, and a month or so this year, I held a hostling job.

Mr. Carter: Will you explain what the rules of the North Western Company are with regard to the position you filled on the hostler job?

Mr. Rose: Well, since last year, the rule may have been in existence for some time, but it was just placed in effect last year on our division, that firemen shall have a year and six months experience before they would be allowed to take a job of despatching engines.

Mr. Carter: Before this rule was in effect, do you know of some considerable number of serious accidents occasioned by incompetent men trying to move engines and hostling engines?

Mr. Rose: Yes, sir; quite a number of very bad ones.

Mr. Carter: And some of them might have endangered the lives of a great number of people?

Mr. Rose: Yes, sir.

Mr. Carter: Please explain to the Board, that when a North Western man talks about a despatcher, he does not mean a despatcher but a hostler.

Mr. Rose: We call them engine despatchers, but it is really a hostler of engines, as it is understood commonly.

Mr. Carter: If the Board please, the name "despatcher" is known all over the North American continent as a man who despatches trains and has charge of trains; and in all the testimony presented to the Board by the engineer witnesses, when we spoke of despatchers we meant that class of service. On the North Western Railway, and I think on the Chicago, Milwaukee & St. Paul Railway, they call a hostler a despatcher; and it was for the purpose of not confusing you in that word that I asked him to explain.

Mr. Park: Do they not call him the engine despatcher?

Mr. Carter: Engine despatcher and train despatcher.

The Chairman: Does he perform the functions of a regular despatcher?

Mr. Carter: No, sir; just the functions of a hostler.

The Chairman: In your opinion, how many firemen have been released on account of the increased tonnage?

Mr. Rose: Well, it is hard to say how many of these firemen laid off are due entirely to increased tonnage; but if the same number of engines in use now will haul 50 per cent more tonnage, they decrease the firemen's force over 60 per cent, as a rule.

Mr. Carter: You say that the rule now on the North Western, that is, on your division, where you are employed, at Escanaba, is that no man shall be permitted to hostle an engine without at least one year and a half's experience as a fireman?

Mr. Rose: Before he will be permitted to take a job as engine despatcher.

Mr. Carter: Don't you think that the North Western Road has properly adopted such a rule?

Mr. Rose: Yes, sir, I believe it ought to be adopted all over.

Mr. Carter: While you were doing this hostling work, the rules of the company did not require you to do the helper's work, did they?

Mr. Rose: No, the rules did not.

Mr. Carter: Did you ever fail to do any work that was necessary to protect the interests of the company in an emergency?

Mr. Rose: No, sir. I very often did work that I really didn't have to do, to help out.

Mr. Carter: Your purpose was to protect the interests of the company?

Mr. Rose: Yes, sir.

Mr. Carter: Would you resent, however, the company, after you had done that two or three times, taking from you your helpers and making you do the two men's work?

Mr. Rose: I believe that would be an imposition, yes, sir.

Mr. Carter: But, so long as the interests of the company are at stake, you would never hesitate to protect those interests, would you?

Mr. Rose: No, sir.

Mr. Carter: Have you a family?

Mr. Rose: Yes, sir.

Mr. Carter: And you have not done a lick of work in how long?

Mr. Rose: Well, about a month, now, nearly a month.

Mr. Carter: How do you support your family?

Mr. Rose: Well, I would not have been able with what work I have had this year, if I had not had aid from other members of my family.

The Chairman: Will you kindly speak a little louder? It is difficult to hear what you say.

Mr. Carter: Say that again, please.

Mr. Rose: If I had not had aid from other members of my family, I would not have been able to get along at all.

Mr. Carter: In your experience with these Class Z engines, when they first came there and were in perfect mechanical condition, did they not burn less coal than after they became defective?

Mr. Rose: When the Class Z engines came they were not new, but a new engine always will burn less coal.

Mr. Carter: Any new engine?

Mr. Rose: Yes.

Mr. Carter: Mr. Rose, in your judgment, if it should be shown that a new superheater engine has resulted in a reduction of the amount of coal consumed, would you not attribute at least ten or fifteen per cent of that reduction, to the fact that the engine is new, regardless of the superheater?

Mr. Rose: Yes, sir, I believe so.

Mr. Carter: Notwithstanding you have no money to spend, have you noticed that there has been an increase in the cost of living?

Mr. Rose: Yes, sir, to quite an extent.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Rose, between what points did you run on the system?

Mr. Rose: Do you mean where does the division extend to?

Mr. Sheean: Yes.

Mr. Rose: Escanaba is the center of the division, you might say. We run south to Green Bay, 115 miles; north to Ish-

peming, 65 miles; and from Powers, west, we have the branch that runs to Watersmeet, 125 miles to Escanaba.

Mr. Sheean: Now, while you were firing in road service there, just what run did you have?

Mr. Rose: Well, I never had any particular runs of my own. I have always been upon the extra work switch engine or despatcher.

Mr. Sheean: Extra work, switch engine or despatcher?

Mr. Rose: Except what work I caught off the extra list.

Mr. Sheean: On the extra list, are these three runs from Escanaba protected by the same extra board?

Mr. Rose: Yes, sir.

Mr. Sheean: And the men on the extra board might be called to go out on any of those runs?

Mr. Rose: Yes, sir.

Mr. Sheean: Now, what is the traffic, mostly, on that division from Escanaba that you ran on?

Mr. Rose: In the summer season it is mostly iron ore.

Mr. Sheean: And is that in one direction?

Mr. Rose: We take the empties out and bring the loads back. Take empties and coal out and bring loads of ore back.

Mr. Sheean: The loads of ore are brought back to what point?

Mr. Rose: Escanaba.

Mr. Sheean: To Escanaba?

Mr. Rose: Yes, sir.

Mr. Sheean: And there shipped by boat?

Mr. Rose: And there shipped by boat, yes, sir.

Mr. Sheean: When navigation closes, during all the time you have worked up on that division there, the traffic drops very heavily, doesn't it?

Mr. Rose: This year it dropped off long before navigation closed.

Mr. Sheean: This reduction two months ago was because of the almost complete shutting off of the ore business up there, wasn't it?

Mr. Rose: To a great extent it might be, yes.

Mr. Sheean: And in previous years, when navigation closed, there was almost a complete cessation of the work that that railroad has to do there during the summer months?

Mr. Rose: No, sir. This is the first year in the five years I can remember I have been with them that any firemen have been dismissed on account of slack business.

Mr. Sheean: And the amount of business done with the closing of navigation on this iron railroad there, has been very much lighter after navigation closed?

Mr. Rose: As a rule it is lighter, yes, sir.

Mr. Sheean: And then, even during the winter months, they have permitted the firemen to take whatever work there was there to do?

Mr. Rose: Up to this year.

Mr. Sheean: And the matter of whether firemen shall be dismissed or retained on the extra list there, remains in the hands of the firemen themselves, does it not?

Mr. Rose: No, sir.

Mr. Sheean: You have nothing to do with the size of the list?

Mr. Rose: Yes, sir, we have.

Mr. Sheean: With the size of the list?

Mr. Rose: Yes, sir.

Mr. Sheean: Just what have you to do with that?

Mr. Rose: We generally try to keep the extra list cut down so that the men there can make a living, but we do not always succeed.

The Chairman: What do you mean by the extra list?

Mr. Rose: The extra list is the men that are called to go on any particular run that they may be needed, where men are laying off from sickness or disability or new runs are put on.

The Chairman: Is it a list composed of a number of firemen who take employment in turn so as to give all of them some work?

Mr. Rose: Yes, sir, they run out in their turn, first in and first out.

Mr. Park: Is that the extra list or is that the pool board?

Mr. Rose: That is the extra list that he is mentioning now.

Mr. Park: And you are explaining to the Judge—there is a difference between the regular board, in which a fireman goes out in his turn, and the extra list, which might be composed of firemen that were waiting for a place on the regular board, in their seniority, if they use seniority on the extra list?

Mr. Rose: Yes, sir. Why, we have a pool, that is the reg-

ular crews, you might say, that run out in their turn first in and first out, and then we have an extra list, in addition to that.

Mr. Park: And then do you have another list of suspended firemen?

Mr. Rose: List of suspended firemen.

Mr. Park: That is firemen who are waiting around to get on the extra list?

Mr. Rose: We have no list, no; not exactly a list.

Mr. Park: They are out of the service, practically?

Mr. Rose: Well, they are waiting for a call—subject to call, that is all.

Mr. Park: Are they subject to call in the order of their seniority?

Mr. Rose: Yes, sir.

Mr. Park: That must be still another list, then?

Mr. Rose: Well, it is a list—

Mr. Park: What do you call that, the suspense list?

Mr. Rose: I don't know; call it the available list, I guess.

The Chairman: How many men have you in the employment on the list, that is, on the list I referred to a while ago?

Mr. Rose: The business there fluctuates even through the summer months, and it is hard to tell. Sometimes fifteen men, and at other times from thirty to forty.

Mr. Sheean: That has been the condition up in that Peninsula Division in the ore mining region all the time you have been working there?

Mr. Rose: We have never noticed the fluctuation downward as much as we have since these larger engines came up.

Mr. Sheean: Two months ago they did not get any larger engines?

Mr. Rose: It has been going down hill all this summer, during this summer.

Mr. Sheean: Do you know what the actual amount of ore hauled on that division has been this summer?

Mr. Rose: It has been considerably less. Several men have gone away from that division in the last year.

Mr. Sheean: Do you know how much business that division has produced in the last summer—what there was there to haul?

Mr. Rose: It was considerably less.

Mr. Sheean: You cannot give any estimate of it that it has fallen off?

Mr. Rose: I don't think it will overcome the amount of men that have gone away. 28 men ahead of me have gone away from there.

Mr. Sheean: What was the condition there in October, 1913, when these requests were presented?

Mr. Rose: In October, 1913?

Mr. Sheean: Yes. Putting in larger power or any change up there at that time?

Mr. Rose: I don't think the large power was there at that time.

Mr. Sheean: What kind of engines were you using on that division in October, 1913?

Mr. Rose: We were using the R-1 engine which was our standard freight engine.

Mr. Sheean: What was the weight on drivers?

Mr. Rose: 126,000 pounds.

Mr. Sheean: Now, from October, 1913, down to what time did that power continue there?

Mr. Rose: Well, this spring—some time this spring. I don't remember exactly. In the beginning of the ore season the Class Z engines were installed on this division.

Mr. Sheean: The Class Z engines, engines previously in use on another division?

Mr. Rose: Another division.

Mr. Sheean: As to the 126,000 pounds on drivers engines what became of them?

Mr. Rose: A few of them are still in use. They are not using them in ore service to any extent.

Mr. Sheean: What was done with the other ones that are not in use there?

Mr. Rose: They went on the other divisions, I suppose—smaller divisions.

Mr. Sheean: Smaller divisions and on branch lines?

Mr. Rose: Yes, sir.

Mr. Sheean: Mr. Rose, the change in the rate of pay or an increase in the rate of pay of engineers and firemen will simply, under the conditions that you have described, give more earnings or bigger pay to the men who still remain in service

there, and will not cure or remedy at all the condition of the people who drop out of the service?

Mr. Rose: No. A raise in pay raises the pay of the firemen about fourteen per cent, and they are hauling fifty per cent more tonnage and sixty-six per cent reduction in the working force of the firemen.

Mr. Sheean: But, under the arrangement whereby the number who remain in the pool, the cutting of the list, is in the hands of the employes, is it not?

Mr. Rose: No, sir.

Mr. Sheean: What is it?

Mr. Rose: No, sir.

Mr. Sheean: Who determines the number of men?

Mr. Rose: The master mechanic discharged these men from the service on account of lack of business. We did not do it.

Mr. Sheean: On account of slack business?

Mr. Rose: Yes, sir.

Mr. Sheean: The discharging of men there was because of others dropping back and exercising their seniority?

Mr. Rose: They had so many men there that they could not use them, and I suppose they dismissed them from the service. The first time they ever did it that I can remember.

Mr. Sheean: Has the number been reduced?

Mr. Rose: Yes, sir, reduced in the summer time every few days.

Mr. Sheean: Is that at the request of the men?

Mr. Rose: That is at the request of the men, the reducing of the extra board.

Mr. Sheean: And your extra board is reduced so as to furnish the earnings of the older men on a basis that they elect to hold there?

Mr. Rose: Yes, sir; but you understand cutting the extra list on our division does not necessarily put a man out of a job or dismiss him from the service; he can go back from the extra list into switching service.

Mr. Sheean: And the ones they displace in the switching service, they go where?

Mr. Rose: Up to the present year they have been so few that they have been allowed to remain around, subject to call. They held them, laying around and enjoying their seniority

rights, waiting for a call, and getting a living the best they could. This year they had so many, I presume that is the reason they discharged them from the service.

Mr. Sheean: The only difference in the dropping down, by the exercise of seniority and the fixing of the size of the board, is to displace the men down the line—is that what was done this summer, taking the seniority away from the men?

Mr. Rose: Yes, sir.

Mr. Sheean: Otherwise they would have been permitted to simply hang around, those who were at the bottom of the list, and still hold their seniority rights?

Mr. Rose: Yes, sir.

Mr. Sheean: Not earning any money, however?

Mr. Rose: Well, they would earn more than they would now, because then they would be subject to a call occasionally. Now, they are not subject to any call; they are out of the service of the company.

Mr. Sheean: If they were subject to a call occasionally, that would be because they were still on the extra list?

Mr. Rose: Well, like our men are on there now, we are subject to a call although we are not on any list. We are not cut off from the list or dismissed from the service, I mean, like these other sixty men below us. They won't be called; they are out of the service of the company, and they have requested them to turn in their rule books and the only way they will get back will be if the company rehires them.

Mr. Sheean: That was about two months ago?

Mr. Rose: Yes.

Mr. Sheean: Do you know how much of a dropping off in business there was in that territory at that time, or about that time?

Mr. Rose: I couldn't say just how much.

Mr. Sheean: Now, as to the seniority in your own case, at the time that you resigned there, did you ask for any leave of absence until you got other employment?

Mr. Rose: No, sir, I was perfectly sure I was going to get the job that I was looking for.

Mr. Sheean: And you did resign?

Mr. Rose: I resigned. I explained to the officials what I intended to do; and resigned from the service voluntarily.

Mr. Sheean: If you had taken a leave of absence while looking for other employment, you would still retain your seniority?

Mr. Rose: Yes, sir.

Mr. Sheean: And there is never any difficulty about getting leave of absence, is there?

Mr. Rose: No, sir, I believe not.

Mr. Sheean: At just what point was it on this division, where there was an increase of 2,060 tons in the rating, on part of the division?

Mr. Rose: From Antoine to Escanaba, over what we call our new line. That is a route that we bring the ore into Escanaba over, that is used only for that traffic in the one direction.

Mr. Sheean: What was the condition there at that time, and what is it now that brought about this change? A new line built?

Mr. Rose: No, sir, with the same line with the smaller engines, we hauled 3,900 tons, I believe was their rating; and the present rate is 5,960 tons of the Z engine. That is 2,060 tons increase in the train tonnage.

Mr. Sheean: When was this line between these points opened?

Mr. Rose: That line has been there ever since I can remember.

Mr. Sheean: You spoke of it being a new line?

Mr. Rose: Yes, sir, we call it the new line. The North Western, however, bought it from some other company. I don't know just how long it has been there.

Mr. Sheean: Is that a line running into some of these mines?

Mr. Rose: No, sir. Well, at Antoine there are mines there, but it is a road that we take to go to Escanaba because the grade is more favorable going in that way than the other way, and at the same time we don't have to contend with the congested traffic on the other main line. It is a short cut, you might say, into Escanaba.

Mr. Sheean: Do you mean, that running over this new line there is a change in the rating on that line, or that you now use this new line or cut-off where formerly the tonnage rating was given on the older line?

Mr. Rose: Well, the tonnage rating that I have mentioned is the increase in the size of the engine. With the smaller engines we hauled 3,900 tons there, and with the larger engines—

Mr. Sheean: Over the same rails and same grade?

Mr. Rose: Over the same rails, they are hauling 50 per cent more.

Mr. Sheean: What kind of an engine was in use there with a tonnage rating over this part of the line of 3,900 tons?

Mr. Rose: That is the R-1 engine.

Mr. Sheean: When was that change in tonnage rating made on that particular part of the division?

Mr. Rose: Well, that change was made when the large engines came in this year. We did not have the large engines last year. The rating on the same engine is the same, that is as far as I know; but with the large engine it is 2,060 tons higher.

Mr. Sheean: When did this larger engine come there?

Mr. Rose: It came here this last spring.

Mr. Sheean: That is the spring of 1913?

Mr. Rose: 1914.

Mr. Sheean: 1914?

Mr. Rose: Yes, sir.

Mr. Sheean: About what time?

Mr. Rose: Well, I couldn't say exactly; at the beginning of the ore season I know we had them.

Mr. Sheean: When is the beginning of the ore season?

Mr. Rose: At the opening of navigation, about April, generally.

Mr. Sheean: How long does the ore season last on this road?

Mr. Rose: Some years it lasts as late as the middle of December. This year I believe it shut down about Thanksgiving.

Mr. Sheean: Between December, and April and May, in other years, what business does that road or that part of the road have? What does it do during the winter months?

Mr. Rose: In the winter months when it gets cold and we have snow so that they can get out the timber and pulpwood to the tracks, there is considerable timber and pulpwood hauled over the road. Coal is hauled out to the mines in other trains that we have besides that.

Mr. Sheean: That is hauled out to the mines, the coal?

Mr. Rose: Coal, yes, sir, and the timber for the saw mills is handled in the wintertime.

Mr. Sheean: Yes.

Mr. Rose: For the different saw mills.

Mr. Sheean: How does the volume of traffic in the wintertime compare with the volume of traffic that you have during the summer season there?

Mr. Rose: We have a good deal more traffic during the summer months.

Mr. Sheean: Do you get your full tonnage in winter?

Mr. Rose: All we can handle, considering the weather, I mean.

Mr. Sheean: Well, previous to the installation of this new power, or this heavier power, I think you said it was not new, about what is or has been the variation between summer and winter traffic on that line?

Mr. Rose: Well, I couldn't say exactly. We have a good deal more tonnage in the summer, on account of the heavy ore trains.

Mr. Sheean: Are these engines you are using now saturated or superheated?

Mr. Rose: Saturated.

Mr. Sheean: And the old ones were also saturated?

Mr. Rose: Yes, sir.

Mr. Sheean: When was it that you were a hostler?

Mr. Rose: I was a hostler last year, and this year for one month.

Mr. Sheean: At what point?

Mr. Rose: At Escanaba.

Mr. Sheean: How many engines were handled there in a day ordinarily?

Mr. Rose: Well, some nights there, the three of us would handle as high as fifty engines, I should judge. It is hard to tell exactly, but I would estimate it at that.

Mr. Sheean: There were three hostlers?

Mr. Rose: Yes, sir, there were three or two, it just depended.

Mr. Sheean: I mean at the time you were working there.

Mr. Rose: Three, yes, sir.

Mr. Sheean: Three who were designated as despatchers?

Mr. Rose: Designated as engine despatchers.

Mr. Sheean: Designated as engine despatchers?

Mr. Rose: Yes.

Mr. Sheean: What other men were interested there in the care and handling of those engines at Escanaba?

Mr. Rose: Well, there was the regular roundhouse force.

Mr. Sheean: What was the roundhouse force at that point?

Mr. Rose: That consists of machinists, boiler makers, helpers—

Mr. Sheean: I mean those who take any part in the care or handling of the engine from the time the engine comes to the roundhouse until it goes out again.

Mr. Rose: You don't mean the shop force then?

Mr. Sheean: If the shop force did anything about the care and handling of the engines which did not need repairs,—I don't mean the matter of repairs, but an engine which came in from the road and was handled without repairs, and went out on the road again.

Mr. Rose: Well, the engine despatchers, the helpers and engine despatchers' helpers, the cinder pit men, the men at the coal shed; and then back in the house there would be inspectors and oil boys to put on the necessary oil and supplies.

Mr. Sheean: What did the assistant despatcher do?

Mr. Rose: He took water, and at night time they had to put the coal in the tanks at the coal sheds. In day time they had coal shed men provided for that purpose; at night time, when I was on there, the helpers did it.

Mr. Sheean: When the engine came in at Escanaba where was it left by the road crew?

Mr. Rose: As a rule they would leave it just coming to the turn-table. There is an incoming track there as they call it, a yard track.

Mr. Sheean: Just give us now what you would do, assuming this was an engine that you took, what you would do in connection with that engine, and what anyone else would do.

Mr. Rose: You mean my duties?

Mr. Sheean: What you did there at Escanaba, yes.

Mr. Rose: Well, we took the engine from the road crew. Sometimes they were in the roundhouse.

Mr. Sheean: Would you do that alone or would your assistant be with you?

Mr. Rose: He would be with me.

Mr. Sheean: He would be with you?

Mr. Rose: Yes, sir.

Mr. Sheean: Then you would operate the engine under steam to where?

Mr. Rose: To the coal sheds, and over the cinder pit.

Mr. Sheean: Well, at the coal shed what would your assistant do?

Mr. Rose: At any time when there is no coal shed man, he would take the coal and put it on the tender.

Mr. Sheean: From there where would you go?

Mr. Rose: From there we would go back through the yards and over the cinder pit track, and the helper would clean the fire, or knock it out, as the occasion demanded.

Mr. Sheean: And after knocking the fire what was done with the engine?

Mr. Rose: We would go over to the sand spout, and there he would fill the sand box with sand.

Mr. Sheean: Who would do that?

Mr. Rose: The helper.

Mr. Sheean: The helper?

Mr. Rose: Yes, sir.

Mr. Sheean: And, after filling the sand box, what was done?

Mr. Rose: Put the engine on the table and put it in the house, or outside, wherever they wanted it; if the fire was out of it, it naturally went into the house, and we would spot it in the house wherever required.

Mr. Sheean: You would take it into the house?

Mr. Rose: Yes, sir.

Mr. Sheean: Would the helper go with you?

Mr. Rose: He always remained on the engine to protect the other side of the engine and look after signals and obstructions, or any danger that might arise on that side of the engine, the same as the fireman would.

Mr. Sheean: The same as the fireman would?

Mr. Rose: Yes, sir.

Mr. Sheean: So that, at all times, in handling the engine at

Escanaba there, the helper was with the despatcher on the engine?

Mr. Rose: We always required him to be there.

Mr. Sheean: And he did the firing on that engine?

Mr. Rose: He did the same work that a fireman would do, besides the work of helper, knocking the fire, and taking sand, coal and water.

Mr. Sheean: In taking the engine out in the morning, who took it from the engine house?

Mr. Rose: Sometimes the despatchers would take them, and sometimes the crews would come and take them; it all depended on circumstances.

Mr. Sheean: And was there any fixed or regular place that the despatcher would take the engine to?

Mr. Rose: Well, the switch engines we took out of the roundhouse and sometimes had to put more coal on them and leave them at a designated track for the switch engine men to take them outside; the road crews sometimes required us to go into the house and take the engines out and coal them up and put them on a circle outside the roundhouse, ready for the road crew to take them, just as the situation required.

Mr. Sheean: What did you do there while the assistant was knocking the fire?

Mr. Rose: Well, while the assistant was knocking the fire, I remained around there. I was responsible for the care of that engine until I put it away at the proper place, and to see that everything was all right.

Mr. Sheean: How long does it take to knock the fires?

Mr. Rose: Some of those fires it would take thirty minutes.

Mr. Sheean: Where would you remain while the fire knocker was doing this work?

Mr. Rose: I would remain in the cab of the engine, as a rule.

Mr. Sheean: And after the knocking of the fire, how far was the engine to go?

Mr. Rose: It would go a few hundred feet further, to the sand tower, where we would fill the sand boxes with sand.

Mr. Sheean: But it was your practice up there, during the knocking of the fires, for the engine despatcher to remain on the engine?

Mr. Rose: As a rule I did, yes, sir.

Mr. Sheean: Well, in the cases where you did not act under the rule, what did you do then, or where did you go?

Mr. Rose: Sometimes the situation required that I would have to be down to help him open the pans or thaw them out, in the winter time, and various other things that I did that I did not have to do.

Mr. Sheean: Assisting your assistant?

Mr. Rose: Yes, sir; at times, in different cases.

Mr. Sheean: But you always remained there through the process of the fire knocking?

Mr. Rose: Yes, sir.

Mr. Sheean: What has been the practice on this Peninsular division, in all the years that you are familiar with it, when navigation closes, what has been the practice with reference to the crews who handled the ore during the ore season?

Mr. Rose: Well, the crews that handle the ore, when there would be no more work handling ore, they would drop back into other work.

Mr. Sheean: And during the summer season, how many crews have there been assigned to the handling of ore?

Mr. Rose: Well, I could not say.

Mr. Sheean: About?

Mr. Rose: It fluctuated so much, I could not say positively.

Mr. Sheean: Well, take the summer of 1912 or 1913, or any other typical season, when you say the depression was not as marked as now; under normal conditions there, about how many crews are there in the ore service during the ore season?

Mr. Rose: Well, we have all the way from ten up to sometimes fifteen or sixteen pool crews; then of course the extra men off the extra list also do ore work. I could not say, exactly, just how many.

Mr. Sheean: Well, fifteen or sixteen regular crews and extra men would run it up to about twenty crews during the ore season?

Mr. Rose: Well, it may be around that number; I could not say positively.

Mr. Sheean: In past seasons what became of those twenty crews when the ore season ended and navigation closed?

Mr. Rose: When the ore season ended, and the cold

weather came on, and the tonnage in the other trains would have to be reduced, the business sort of equalized, although not altogether.

Mr. Sheean: In past years, about how many crews who had been in the ore business during the ore season had to drop into other work?

Mr. Rose: Well, at the close of the ore season there has always been a considerable drop; that is right at the close of the season, for about two months, until the cold weather set in, and then there was more work, perhaps, for the men, than we employed in the ore season.

Mr. Sheean: Just take normal years, when the ore season closed, about how many crews who had been in the ore service dropped out of that service?

Mr. Rose: Quite a number; I could not say anywhere near.

Mr. Sheean: As a matter of fact, if you maintained fifteen or sixteen crews through the summer, as well as the extra men, has there not always been in that operation a dropping off of about twenty crews when navigation closed?

Mr. Rose: They have not dropped off as much as they did this year.

Mr. Sheean: No, but I am talking about other years. This is a very unusual situation in the ore business—

Mr. Rose: This is the first year we have had the large engines up there.

Mr. Sheean: Now, Mr. Rose, do you want the Board to understand that the ore that has been available to be hauled there this year—that a normal condition prevails in the mines up there this year?

Mr. Rose: No, sir, it does not.

Mr. Sheean: Now, then, returning to a perfectly normal season, is it not a fact that, with the close of navigation, there has always been the taking off of fifteen or twenty crews when the ore season closed?

Mr. Rose: This is the first season I have ever seen sixty firemen dismissed from the service.

Mr. Sheean: Let us talk about the number of crews in past years. I understand you to say that when the ore business was on in past seasons you had fifteen or sixteen regular crews in ore service, as well as the extra men.

Mr. Rose: Yes.

Mr. Sheean: Now, then, when navigation closed in those previous years, about how many crews who were in ore service went into other service?

Mr. Rose: Well, I couldn't say anywhere near.

Mr. Sheean: Is fifteen to twenty a fair average of what has occurred from year to year in operations up there on the Peninsula?

Mr. Rose: It might be; I could not say exactly.

Mr. Sheean: When those fifteen or twenty crews dropped out of that ore business, what has been the practice in past years as to where they would go?

Mr. Rose: They would drop back into other work.

Mr. Sheean: And, as they dropped back into other work, the younger men, who, during the ore season, had employment, were displaced?

Mr. Rose: Yes, sir.

Mr. Sheean: The situation there, which you have described, is a situation on a seasonal road which, during part of the year, has traffic for fifteen or twenty crews more than it has in the other part of the year?

Mr. Rose: No, sir; I think you misunderstand it. In the winter time, as a rule, on account of the cold weather and storms and snow, sometimes there is as much work or more for the men there than we have in the summer months.

Mr. Sheean: I understood you to say, that when navigation closed, in all the past seasons here, that that shut off, at once, the ore business in which fifteen to twenty crews were engaged during the ore season.

Mr. Rose: For a short time it did, yes, sir.

Mr. Sheean: For a short time it did?

Mr. Rose: But it never would be necessary to lay off the amount of men they laid off this year, before, that I can remember.

Mr. Sheean: In all past years, the fifteen or twenty crews which had had employment in the ore service have had to find employment in some other branch of the service?

Mr. Rose: Yes, sir; they always did.

Mr. Sheean: If they were older men than those who had worked during the summer months, they displaced them?

Mr. Rose: Yes, sir.

Mr. Sheean: And, how far and to what extent the board would be cut in order to keep earnings for the older man, has been determined by the men?

Mr. Rose: Well, the extra board, you know, there, does only the road work. That has always been determined by the men. The switch engine work is another branch of the service on our division. It is peculiar.

Mr. Sheean: Do seniority rights obtain, do the road men have seniority rights in the switching service?

Mr. Rose: A man that can hold the extra list and do road work is not entitled, on our division, to take switching work. If he is displaced from there and cut off from the board, then he can take switching.

Mr. Sheean: Just limiting it to road service whenever the ore season has closed, in all the years that you have operated on this seasonal railroad, fifteen or twenty crews who do the ore work during the ore season drop into other branches of the service with the close of the ore season?

Mr. Rose: Yes, sir. It has been more than that this year, a good deal.

Mr. Sheean: In all seasons, there have been fifteen or twenty ore crews who dropped back at the end of the ore season?

Mr. Rose: Yes, that is, estimated, approximately.

Mr. Sheean: Yes, and in all the operations on that railroad, the men, if they displaced other men, by reason of their seniority, caused some men to go out of employment on that railroad at all times?

Mr. Rose: Yes, sir.

Mr. Sheean: Now, whether or not all of the men who worked in the summer should remain and share their earnings, one with the other, was determined by the older men, and the exercise of their seniority was it not?

Mr. Rose: No, sir, not on our division.

Mr. Sheean: What is it?

Mr. Rose: Not on our division.

Mr. Sheean: Well, have there been objections made by the company as to the number of men who should pool the earnings there?

Mr. Rose: Well, the company dismissed these firemen now that are laid off, you understand.

Mr. Sheean: Yes.

Mr. Rose: That took so much work away from these men.

Mr. Sheean: From those men?

Mr. Rose: Yes, sir.

Mr. Sheean: Those men, at the time that they were dropped off, had, by the exercise of seniority by those who were older, been pushed down to the place where they were simply on the reserve list, were they not?

Mr. Rose: Some of them, yes, sir.

Mr. Sheean: None of those who were dismissed by the company were in any other position than on this reserve or available list you spoke of?

Mr. Rose: They were working during the summer, and other winters they have been working off and on, as needed.

Mr. Sheean: But, at the time of their dismissal, none of these men, at that time, were in any other position than being merely available men?

Mr. Rose: They were, at that particular day, but the next day, or two or three days after, they may have needed some of those men, but they could not use them, because they were out of service.

Mr. Sheean: The fact that they had gotten down to the position of being merely on the available list, and off of the extra list, was because the older men had exercised their seniority to keep up their earnings and force the other men out and down; is not that true?

Mr. Rose: The men from the extra list, but we have no control of the discharge of men; that is left with the officials.

Mr. Sheean: No, but the only practical difference, as I understand you, Mr. Rose, is that these men, had they been permitted to remain on the available list, would have retained seniority rights?

Mr. Rose: And got a little more work than what they did, yes, sir.

Mr. Sheean: Well, you mean by getting some more work, that if, at any time, the work came to that company, where neither the regular men nor the extra men were available to

take it, that an odd run might be gotten by the man who was sent for, as being available?

Mr. Rose: Well, yes.

Mr. Sheean: It is true that both the regular men and extra men, under the seniority system, would, if available, have the right to that run, is it not?

Mr. Rose: Yes, sir.

Mr. Sheean: And, if any regular man or extra man was available, under the seniority rule, they would be entitled to any business as it came?

Mr. Rose: Sometimes they were not available.

Mr. Sheean: Yes, but I am saying if available, if a regular man or an extra man were available, the company, under the seniority rules, would have no right to send for the merely available man, would they?

Mr. Rose: You understand, if these men had not been dismissed from service they would have held their seniority rights and been subject to call, because they would have been under the jurisdiction of the officials; but business fluctuated there, and a few days after these men were cut off, they needed more firemen than were available.

Mr. Sheean: Now, see if I am correct, Mr. Rose, and if not, correct me. The company would have no right, under the seniority system, to send for a man on the available list and give him a run unless both the regular men and the extra men were not available for that run?

Mr. Rose: Yes, sir.

Mr. Sheean: And that has always been the situation there?

Mr. Rose: Yes, sir.

Mr. Sheean: That, on this available list, the company has no right to send the man out on the run except in the case where neither a regular man nor an extra man is available?

Mr. Rose: Yes, sir.

Mr. Sheean: Now, the size of the extra board, of how many men shall be kept on the extra list, is determined by the men?

Mr. Rose: Yes, sir.

Mr. Sheean: And if they saw fit to keep, as a part of their extra board, all of these available men, and share with them, the company has no control over that, has it?

Mr. Rose: Why, these available men may prefer some other job, you see.

Mr. Sheean: Yes, but if the men saw fit to remain members of the extra board, so that the board retained all of the sixty men instead of the ten or twelve men, with the older men that are sufficient for it, the company does not object to the size of the board, does it?

Mr. Rose: The men would all starve to death.

Mr. Sheean: So that the men themselves determine the number that shall remain on that extra list, the size of the extra list?

Mr. Rose: Yes, sir.

Mr. Sheean: And they fix and determine whether the business there will afford the men remaining on the extra list what is a satisfactory compensation to those men?

Mr. Rose: Well, the men try to keep it adjusted that way. yes, sir.

Mr. Sheean: Now, in fact, these men who were out as merely available men off of the extra list, was because the men in the exercise of their seniority rights, said, cut the board until the earnings to the extra men are thus and so, or until the size of the board is thus and so?

Mr. Rose: Yes, sir.

Mr. Sheean: That is the fact about it, is it not?

Mr. Rose: Yes, sir.

Mr. Sheean: And these men, had, by the action of the men themselves, under their seniority rules, reduced the extra list so that these men who were discharged were not even on the extra list?

Mr. Rose: They were not in the service of the company at all, these men who were discharged.

Mr. Sheean: They were not on the extra list?

Mr. Rose: No, sir.

Mr. Sheean: And the fact that they were taken off of the extra list was at the request of the men?

Mr. Rose: These men that were discharged, it was not at the request of the men, but there was no work for them.

Mr. Sheean: No, but they were taken off the extra list at the request of the men?

Mr. Rose: Yes, sir, and there were no switch jobs they could hold, so they were out of work.

Mr. Sheean: The company did not make objection as to the size of this extra board that should be retained there?

Mr. Rose: No, not altogether; no, sir.

Mr. Sheean: Now, after the close of navigation, and after the ending of the ore season on this railroad, in all years past, there has been, with the close of navigation, a dropping off of fifteen or twenty crews, which had been in the mine service during the mine season for a time?

Mr. Rose: Well, there has always been a drop for a time, but not so much as this year.

Mr. Sheean: Before this forest product business opens up on that road, between that and the closing of navigation, the movement of that kind of business does not begin until the swamps have frozen up and there is sufficient snow for sledding out the timber?

Mr. Rose: Yes, sir.

Mr. Sheean: Between the closing of the ore season and the opening up of this other season, there has always been a gap in that traffic?

Mr. Rose: To a certain extent, yes, sir.

Mr. Sheean: The handling of the forest products by the railroad has not begun before the swamps have frozen up and the snow has fallen, and snow roads have been made, so as to haul the logs out to the railroad?

Mr. Rose: Not to any extent, no, sir.

The Chairman: What is the length of time intervening between those two seasons mentioned?

Mr. Rose: How is that?

The Chairman: What is the length of time intervening between the two seasons mentioned by Mr. Sheean?

Mr. Rose: Ordinarily, in busy years, the ore season closes down some time about the first part of December, and if the cold weather comes along the first part of January, the winter business would start up then. It depends on the season of cold weather. Sometimes it is the last part of January.

Mr. Sheean: In this particular year, this current year, the ore business closed down earlier than usual?

Mr. Rose: Yes, sir.

Mr. Sheean: Some little time earlier than usual?

Mr. Rose: Yes, sir.

Mr. Sheean: And there isn't yet anything in sight in the way of moving of the forest products, is there?

Mr. Rose: No, sir.

Mr. Sheean: The railroad company cannot move the forest products unless, or until, they are brought to the tracks of the company?

Mr. Rose: No, sir.

Mr. Sheean: That season of variation is dependent upon weather conditions, dependent upon the output of the mines, dependent upon the production of the forest products—that has obtained on this particular railroad, in some degree, all the time you have had any knowledge of it?

Mr. Rose: Yes, sir.

Mr. Sheean: The dropping off of crews at the end of one season and the adding of some crews when business again increased, after the lapse between the ore and the forest products season, has been usual?

Mr. Rose: Yes, sir.

Mr. Sheean: Isn't it a fact, that the traffic originating from the products of the forests has never furnished employment to as many men, while that season was on, or for as many crews, as was furnished in the handling of the products of the mines, in the mining season?

Mr. Rose: At certain times in the winter, if the weather was cold, we had all the available men working.

Mr. Sheean: The total number of men assigned to that work in the winter months, in normal years, is ordinarily not as large as the number of crews assigned to mine work in the summer months?

Mr. Rose: No, sir.

Mr. Sheean: And, in between the closing of one season and the opening of the other, there has always been some kind of gap, varying in length, between the closing of the mining season and the opening of the forest season?

Mr. Rose: Yes, to a certain extent.

Mr. Sheean: I think that is all.

The Chairman: Do you desire to ask anything further, Mr. Carter?

Mr. Carter: Yes.

RE-DIRECT EXAMINATION.

Mr. Carter: Is it not a fact, Mr. Rose, that when there is need for extra men at a terminal, the company calls for men from the available list?

Mr. Rose: Yes, sir.

Mr. Carter: They are not out of employment?

Mr. Rose: No, sir.

Mr. Carter: How many men did you say have been dismissed and are not retained on this so-called available list?

Mr. Rose: About sixty men in the last two months.

Mr. Carter: About sixty men?

Mr. Rose: Yes.

Mr. Carter: How many men did you say had left the Peninsula Division and had gone to another division?

Mr. Rose: Eighteen men went down on the Southern Illinois Division, at South Pekin.

Mr. Carter: That would be sixty and eighteen, seventy-eight?

Mr. Rose: Yes, sir.

Mr. Carter: I understood you to say that during this interval between the ore season and the lumber season, there are fifteen or twenty men affected?

Mr. Rose: Probably near that.

Mr. Carter: Therefore, the difference between fifteen and twenty and this seventy-eight, will probably represent the difference because of these large engines?

Mr. Rose: Yes, sir.

Mr. Carter: Now, to go back to the hostler question, aren't hostlers held responsible, at all times, for the safekeeping of a locomotive?

Mr. Rose: Yes, sir.

Mr. Carter: Supposing that these helpers that are engaged should permit an engine to freeze, would not the hostler be held responsible for his incompetency?

Mr. Rose: Yes, sir.

Mr. Carter: How about letting the water get low, with a big

fire in the fire box, and damaging the crown sheet, would not the hostler be held responsible?

Mr. Rose: Yes, sir.

Mr. Carter: I am afraid I am going to have to bring out something. Do you believe it is safe for these irresponsible men to handle engines as hostlers?

Mr. Rose: No, sir.

Mr. Carter: Will you recite just one instance in regard to the coal car getting away, just one. Don't go deep, unless he wants you to—where the man who was not responsible was doing hostling?

Mr. Rose: Well, in the year 1913, in March, I saw a coal car get away through the incompetency of a hostler handling the engine, and it nearly resulted in the worst railroad accident we would have had on the Peninsula Division.

Mr. Carter: Explain who the hostler was and who his helpers were, and what he was doing?

Mr. Rose: They were roundhouse helpers at Crystal Falls, Michigan.

Mr. Carter: I understand one was masquerading as a hostler?

Mr. Rose: Yes, sir.

Mr. Carter: He was switching a car of coal?

Mr. Rose: Yes, sir.

Mr. Carter: And he had no knowledge of railroading, you might say; is that true?

Mr. Rose: No, sir.

Mr. Carter: He kicked a car into the track expecting his fellow helper to set the brake on it, did he not?

Mr. Rose: Yes, sir.

Mr. Carter: Well, what happened?

Mr. Rose: The car continued on down this grade, which was on the main line at Crystal Falls, Michigan; continued on down the hill two miles. At this time of night there was a passenger train due to leave Stager at 6:45, No. 57. Stager is 15 miles from Crystal Falls, and there is no telegraph office intervening. When this car got away, it was ten minutes after the train was due to leave Stager. We all saw it happen and headed for the telegraph operator and tried to get him on the wire and finally we did get Stager and found out that No. 22 was late and

the Crystal Falls passenger train did not leave Stager, which is the junction point, until after we had gotten the message to them, and they held them there until this man went down to the bottom of the hill, two miles below, and returned with this car of coal.

Mr. Carter: It is not our purpose to expose the skeletons in the railroads' closets, but if at any time, our proposition as to the danger of employing these incompetent men is questioned, we are going to inject just one case, and hold the rest back. I am through.

Mr. Nagel: I understand you to say that the introduction of the heavier engines has resulted in a reduction of the force of firemen?

Mr. Rose: Yes, sir.

Mr. Nagel: In other words, the heavier engine carries more tonnage, and that results in a reduction of trains and reduction of individual crews?

Mr. Rose: Yes, sir. It carries 50 per cent increase in tonnage, and that reduces the force of firemen over 60 per cent.

Mr. Nagel: That reduces the force of regular firemen, sends some of them to the extra list, and others to the available list, and others perhaps go out altogether?

Mr. Rose: Yes, sir, that is right.

Mr. Nagel: That same situation prevailed before the heavy engine was introduced, did it not?

Mr. Rose: I have never known of firemen being dismissed there in as large numbers as they did this year.

Mr. Nagel: Still, the force employed would respond to the work to be done, would it not?

Mr. Rose: Yes, sir.

Mr. Nagel: And you always had an extra list and you always had an available list?

Mr. Rose: Always had an extra list, since I can remember.

Mr. Nagel: And you always have had an available list?

Mr. Rose: Yes, sir.

Mr. Nagel: And you always had applicants who probably were on no list at all?

Mr. Rose: Yes, sir.

Mr. Nagel: In other words, there were always more applications than there were places?

Mr. Rose: Yes, sir.

Mr. Nagel: You do not complain of the introduction of the heavier engine?

Mr. Rose: Only as to the effect it has on the earnings.

Mr. Nagel: Well, I understood you to say that you thought it was proper enough to have the railroad do with its engine what it could?

Mr. Rose: Yes, sir.

Mr. Nagel: And you don't ask that the railroad find places for men who want positions?

Mr. Rose: No, sir. Those that are working, I believe, should get a higher rate of pay because certain times they are out of work, more or less.

Mr. Nagel: But, you do ask that the compensation when you are employed, be made such that the experience of "watchful waiting" may be less burdensome than it is?

Mr. Rose: Yes, sir.

Mr. Nagel: That is all.

Mr. Park: Mr. Rose, you say that a number of these firemen were transferred to the new line south of Pekin. How many firemen were transferred?

Mr. Rose: There were eighteen engineers I believe went down there; nine went down there as engineers and nine were assigned there as firemen.

Mr. Park: That was a new railroad constructed by the Chicago & North Western in Illinois?

Mr. Rose: That was a new division installed there, yes, sir.

Mr. Park: There was no obligation on the part of the company to equip that line with men from the northern division, was there?

Mr. Rose: No; I don't know what agreement they had as to that.

Mr. Park: It was an effort on the part of the Chicago & North Western Company to take care of their surplus men in that way, was it not?

Mr. Rose: Well, I couldn't say positively.

Mr. Park: You spoke about a car running away through the negligence of a hostler. Is that yard on a grade, heavy grade?

Mr. Rose: Yes, sir, Crystal Falls is; about two miles down, out of Crystal Falls there is quite a grade there.

Mr. Park: Do you know what the grade is?

Mr. Rose: I could not say positively, no, sir.

Mr. Park: But the car ran out on the main line through the split switch and ran away on the main line, did it?

Mr. Rose: He was taking it down on the main line.

Mr. Park: He was switching on the main line?

Mr. Rose: Yes, which he should not have done.

Mr. Park: Do you know the result of the investigation of that accident?

Mr. Rose: I couldn't say.

Mr. Park: Who was held responsible?

Mr. Rose: I couldn't say; I never heard.

Mr. Park: Were any of the switchmen or yardmen attending this hostler when he was out on the main line?

Mr. Rose: No, sir, there were this hostler and his helper, or two roundhouse helpers doing the work, I believe.

Mr. Park: They went out on the main line?

Mr. Rose: Yes, sir.

Mr. Park: You don't know what the official record of the company was as to their responsibility?

Mr. Rose: No, sir, I couldn't say.

Mr. Park: That is all.

The Chairman: Mr. Shea, have you some questions?

Mr. Shea: Yes. Mr. Rose, there is one question that is not clear in my mind. What was the rating of the R-1 class of engine, which you referred to, or the tonnage hauled, rather?

Mr. Rose: It varies on different parts of the division, but it will run 50 per cent higher than the R-1 engine.

Mr. Shea: You mean that the class Z would run 50 per cent higher than the R-1 class?

Mr. Rose: The class Z runs 50 per cent higher than class R-1.

Mr. Shea: Then, it would not make any difference in regard to the volume of business handled, the fact remains, that by the introduction of the class Z engines, they haul 50 per cent more tonnage than the R-1 class?

Mr. Rose: Yes, sir; ten of these large engines will haul the same as 15 of the R-1's.

Mr. Shea: That is all.

RE-CROSS EXAMINATION.

Mr. Sheean: Just a question, Mr. Rose. It is a fact, is it not, that the men who remained and worked on these larger engines are in fact drawing a higher rate of wage on those engines than they drew on the smaller engines?

Mr. Rose: About 14 per cent higher, I guess.

Mr. Sheean: How much in money is that; how much per day, or how much per 100 miles?

Mr. Rose: It would be about 45 cents per ten hours.

Mr. Sheean: Or 45 cents per 100 miles?

Mr. Rose: Yes, sir.

Mr. Sheean: So that, with the introduction of the larger engine on that division, there was an increase in the rate to the men who operate the larger engine?

Mr. Rose: Well, the large engines get a higher rate of pay, yes, sir.

Mr. Sheean: That is all, or, just another thing, if you will pardon me: when you spoke of this available list on the North Western, that does not require that the men should remain at any particular place, does it? A man may be on the available list and seek any other employment anywhere, and if an opportunity arises, notice is sent him, if they need other men. He retains his seniority and they give him a certain length of time to respond, if he wants to come back?

Mr. Rose: These available men are subject to a call, any time, they cannot go in other service. They may be called any minute.

Mr. Sheean: They can obtain, on that, a leave of absence?

Mr. Rose: Oh, they can obtain a leave of absence any time, yes, sir.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Carter: Mr. Rose, you say that the master mechanic dismissed all of these men except those retained on the available list?

Mr. Rose: Yes, sir.

Mr. Carter: And this is the first time it has been done since you have been there?

Mr. Rose: Yes, sir.

Mr. Carter: Would you not consider that the master mechanic had in mind, that never again would he probably need as many more men?

Mr. Rose: I couldn't say exactly what his ideas were.

Mr. Carter: It is a fact, however, that since these big engines came there the last year, he found it perhaps necessary, from his point of view, to dismiss all these men?

Mr. Rose: Yes, sir.

Mr. Carter: If he thought that with a change in the fluctuation of business, that he would again ever need them, do you think he would have dismissed them and deprived them of all their seniority?

Mr. Rose: It don't look that way.

Mr. Carter: You spoke of an advance in wages between the Class R-1 and the Class Z. Can you make any more money firing the Class Z engine at this higher rate, than you could firing the Class R-1 engine at the lower rate?

Mr. Rose: No, sir. I think, in the long run, a person on the large engine won't work as steady as on the small one.

Mr. Carter: Was it not a fact that when the R-1 engines were there you made miles instead of hours?

Mr. Rose: Yes, sir, when I first started firing we used to make Crystal Falls and back, used to make miles, and now we cannot hardly get one way in the sixteen hour limit.

Mr. Carter: And on the Class Z engines you seldom make miles now, isn't that true?

Mr. Rose: They always make hours.

Mr. Sheean: Therefore, the difference between the earnings of a man when he could make miles on the high speed trains, and the earnings of a man where he must always work on hours, is a greater difference in his earning capacity than this slight increase in wages, is it not?

Mr. Rose: Yes, sir.

Mr. Carter: That is all.

(Witness excused.)

WILLIAM RALSTON was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name.

Mr. Ralston: William Ralston.

Mr. Carter: Where do you reside?

Mr. Ralston: Pueblo, Colorado.

Mr. Carter: What is your present occupation?

Mr. Ralston: That of a fireman.

Mr. Carter: By what road are you employed?

The Chairman: Speak a little louder, please.

Mr. Carter: I am going to ask you questions rapidly, Mr. Ralston, in order to expedite this hearing. But I do not want you to do as I do, I want you to answer slowly and distinctly. I repeat.

What is your present occupation?

Mr. Ralston: That of a locomotive fireman.

Mr. Carter: By what road are you employed?

Mr. Ralston: The Denver & Rio Grande.

Mr. Carter: Will you state the points between which you are employed, and the distances. Out of Pueblo I understand you are employed?

Mr. Ralston: Yes, sir.

Mr. Carter: Now, give the different divisions you are employed on.

Mr. Ralston: From Pueblo to Salida, Colorado, a distance of ninety-seven miles. From Pueblo to LaVeta, Colorado, a distance of sixty-six miles.

From Pueblo to El Moro, a distance of eighty-five miles.

Mr. Carter: You heard about preparatory duties and so forth; they are about the same with all firemen, are they not?

Mr. Ralston: Yes, sir.

Mr. Carter: Since you have been there on these three districts or divisions, have there been any larger locomotives introduced?

Mr. Ralston: We have six new passenger engines, superheaters.

Mr. Carter: None in freight service?

Mr. Ralston: No, sir.

Mr. Carter: Have you noticed any increase in the tonnage of the trains hauled by these same freight engines?

Mr. Ralston: Yes, sir.

Mr. Carter: Will you explain the reason why there has been a great increase on one of your divisions?

Mr. Ralston: By the building of a new track, south, from Southern Junction to Walsenburg. That is a distance of three miles out of Pueblo. The distance from Pueblo to Walsenburg is fifty-one miles.

Mr. Carter: That new track was a lower grade than the old track up back from Cuchara Junction, was it not?

Mr. Ralston: Yes, sir.

Mr. Carter: The result was that they increased greatly the tonnage on the same locomotives?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you find it easier to fire those locomotives on this new track than you did on the old track?

Mr. Ralston: No, sir.

Mr. Carter: Do you find it harder?

Mr. Ralston: Yes, sir.

Mr. Carter: On the other districts where there has been no change in grade, have you noticed an increase in tonnage?

Mr. Ralston: Yes, sir.

Mr. Carter: Explain about what the increase in tonnage has been between Pueblo and Walsenburg where the grade is lower?

Mr. Ralston: The increase has been 599 tons.

Mr. Carter: How much tonnage did you haul in the beginning?

Mr. Ralston: 850 tons.

Mr. Carter: Now, how much tonnage are you hauling?

Mr. Ralston: 1,449 tons.

Mr. Carter: How much have you noticed of an increase on other divisions, where they did not reduce the grade?

Mr. Ralston: About 170 to 200 tons on the west end.

Mr. Carter: Then you believe that on the same engines the tonnage has been increased.

Mr. Ralston: Yes, sir.

Mr. Carter: And has this increase affected the labors of the fireman?

Mr. Ralston: Yes, sir.

Mr. Carter: Has it lengthened his hours of service on the road?

Mr. Ralston: Yes, sir.

Mr. Carter: Has it increased the amount of coal he has to shovel?

Mr. Ralston: Yes.

Mr. Carter: And has all this occurred within recent years?

Mr. Ralston: Yes, sir.

Mr. Carter: I will not ask you to recite exactly the tonnage at different periods, but you are able to do so if required to do so, are you not?

Mr. Ralston: Yes, sir.

Mr. Carter: About how much coal do you burn from Pueblo to Trinidad and back to El Moro, that 93-mile run you often make?

Mr. Ralston: On an average, about 25 to 28 tons.

Mr. Carter: Do you do it by yourself?

Mr. Ralston: Yes, sir.

Mr. Carter: Don't the engineer help you?

Mr. Ralston: No, sir.

Mr. Carter: Brakeman?

Mr. Ralston: Sometimes the brakeman will help shovel down coal.

Mr. Carter: Sometimes the brakeman will help to shovel down the coal?

Mr. Ralston: Yes, sir, and the engineer will assist.

Mr. Carter: Where roads require or permit engineers to go back in the tender and shovel down the coal, while the fireman is putting it in the fire box, who is looking out for the engine?

Mr. Ralston: No one but the engineer, when he can.

Mr. Carter: Therefore, when the coal consumption is such that a fireman cannot fire the amount necessary to keep the train going, and the engineer does not virtually, at least, abandon his post, the only help for the fireman would be an extra fireman, would that no be true?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you believe on this run where you burn twenty-five to twenty-eight tons of coal, that an extra fireman on that run would be profitable to the railroad?

Mr. Ralston: I do.

Mr. Carter: Do you believe that it would be possible to

put another car on the train in that event; could you not put a little more tonnage on if you had two firemen?

Mr. Ralston: I believe they could.

Mr. Carter: Is it not a fact that with two firemen you believe these locomotives would be what we might term 100 per cent engines, over the entire district?

Mr. Ralston: Yes, sir.

Mr. Carter: Is it not a fact, now, that after a fireman has burned his eighteen or twenty tons of coal, that he cannot burn the remaining five or eight tons with the same vigor that he did the first five or eight tons? Are you not tired?

Mr. Ralston: Yes, sir.

Mr. Carter: Almost exhausted?

Mr. Ralston: In some cases I have been.

Mr. Carter: Now, when you return down grade, you don't have this heavy tonnage, do you?

Mr. Ralston: Yes, sir.

Mr. Carter: I mean to say, you don't shovel as much coal?

Mr. Ralston: No.

Mr. Carter: About how much coal would you shovel going from El Moro to Trinidad and back to Pueblo?

Mr. Ralston: It depends on the hours of service on the road coming back.

Mr. Carter: A light tonnage will get you over the road quickly?

Mr. Ralston: Yes, sir, if we don't have intermediate switching, too much intermediate switching to do.

Mr. Carter: If you don't have too much intermediate switching you would get over the road quite rapidly?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you do much of this intermediate switching?

Mr. Ralston: At times we do quite a little.

Mr. Carter: About how much coal would you burn going down hill there on the back trip, when you burn twenty-five to twenty-eight tons going one way, about how much coal would you burn going the other way?

Mr. Ralston: I should say from El Moro I believe we would burn on an average eight or nine tons.

Mr. Carter: Therefore, on this heavy mountain grade or

district you do not burn as much coal going down hill as you do going up hill?

Mr. Ralston: No, sir.

Mr. Carter: Isn't that well known to everybody?

Mr. Ralston: Yes, sir.

Mr. Carter: What has been the effect of this increased tonnage on the seniority of firemen, and their promotion or their employment? Has it set everybody back a little bit?

Mr. Ralston: Yes, sir.

Mr. Carter: About how many firemen are older than you now, Mr. Ralston?

Mr. Ralston: At the present time there are sixty.

Mr. Carter: Sixty firemen older than you, now?

Mr. Ralston: Yes, sir.

Mr. Carter: If your luck is good, how long do you think it will be before you are able to run a regular engine as an engineer, a real engineer?

Mr. Ralston: About twelve to fifteen years.

Mr. Carter: That is, if your luck is good?

Mr. Ralston: Yes, sir.

Mr. Carter: If they put on bigger engines still, then what will happen to you?

Mr. Ralston: It will set me back further.

Mr. Carter: You haven't Mallets there yet, have you?

Mr. Ralston: Not out of that division.

Mr. Carter: You don't know what is coming when the Mallets come, do you?

Mr. Ralston: No, sir.

Mr. Carter: Do you think the promotion for firemen is slower now than before the tonnage was increased on these trains?

Mr. Ralston: Yes, sir.

Mr. Carter: So that, you mean fewer firemen and fewer engineers can perform more service for the company?

Mr. Ralston: Yes, sir.

Mr. Carter: And, from the fact that fewer engineers can do this work, there is a less demand for engineers, is that true?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you believe, that on locomotives in freight service where but one fireman is employed, and on all locomo-

tives in passenger service, coal should be kept where it can be reached by the fireman from the tender of the locomotive, and that coal of the proper size for firing purposes should be placed on all tenders?

Mr. Ralston: I do.

Mr. Carter: Why do you believe that?

Mr. Ralston: In order to make it better for the fireman, so he can keep steam up.

Mr. Carter: Don't you believe the time has come when it has to be done, if the fireman is to be able to do the work, on account of this increased tonnage, I mean?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you believe that where engineers and firemen are required to set up wedges, fill grease cups and clean head lights, they should be relieved of such service at all points where roundhouse, or shop force, or an engine watchman is employed?

Mr. Ralston: I do.

Mr. Carter: State why?

Mr. Ralston: Because the work on the road is so hard.

Mr. Carter: You think, then, under modern railway practice, that, when a locomotive engineer and a fireman do their road work, that is enough, without being required to do shop work?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you believe that where engineers or firemen are required to place on, or remove, tools or supplies from locomotives, fill lubricators, flange oilers, head lights, markers or other lamps, they should be relieved of such service at all points where roundhouse, shop force, or an engine watchman is employed?

Mr. Ralston: I do.

Mr. Carter: State why?

Mr. Ralston: Because they would have to put in more preparatory time in getting the engine ready.

Mr. Carter: Do you think they put in enough now?

Mr. Ralston: Yes, sir.

Mr. Carter: Without this work?

Mr. Ralston: Yes, sir.

Mr. Carter: You don't have to do this work on the Denver & Rio Grande Railroad, do you?

Mr. Ralston: No, sir.

Mr. Carter: That is one road that has recognized this contention, is that true?

Mr. Ralston: Yes, sir.

Mr. Carter: Mr. Ralston, on these engines where you shovel from twenty-five to twenty-eight tons of coal, have you a mechanical coal pusher?

Mr. Ralston: No, sir.

Mr. Carter: Have you a mechanical grate shaker?

Mr. Ralston: No, sir.

Mr. Carter: Have you an air dump pan?

Mr. Ralston: No, sir.

Mr. Carter: Have you an air door?

Mr. Ralston: No, sir.

Mr. Carter: They have overlooked you, haven't they?

Mr. Ralston: I believe they have.

Mr. Carter: Well, as it was testified by one witness yesterday that these things were provided on another road, don't you think it would be very kind, to the fireman at least, if they were provided on your road?

Mr. Ralston: Yes, sir.

Mr. Carter: You never ran an engine?

Mr. Ralston: In case of emergency.

Mr. Carter: Do you know anything about being held away from home terminal?

Mr. Ralston: I have a check of the register at Salida for the month of September. The average lay-over is about seventeen hours.

Mr. Carter: Why do you object to laying over there longer than seventeen hours at Salida? It is a nice town; I have been there.

Mr. Ralston: It reduces my earnings.

Mr. Carter: It reduces your earnings?

Mr. Ralston: Yes.

Mr. Carter: Then you are not paid while they are holding you at Salida?

Mr. Ralston: No, sir.

Mr. Carter: Well, does it do anything else to you? Do

you contribute to the boarding houses of Salida instead of to your own home?

Mr. Ralston: No, sir, I would rather lay at home.

Mr. Carter: No, but I mean to say when you are at Salida laying over, are you required to pay for more beds and meals than you would be if you were at home?

Mr. Ralston: Yes, sir.

Mr. Carter: Then, I understand that your objection to being held away from home terminal is not that you are opposed to staying in Salida, but because it reduces your earning capacity, and increases your expenses, is that true?

Mr. Ralston: Yes, sir.

Mr. Carter: Is it not a fact that, ordinarily, when a road sends a representative to foreign parts, away from his home, except, of course, men in train service and engine service, that they make some provisions for his expenses?

Mr. Ralston: I believe they do.

Mr. Carter: Have they ever paid your expenses?

Mr. Ralston: They have.

Mr. Carter: When?

Mr. Ralston: I took an engine over from Pueblo to Helper, Utah.

Mr. Carter: How far did you go?

Mr. Ralston: I don't know the exact mileage; I don't remember the exact mileage.

Mr. Carter: Over several divisions, was it not?

Mr. Ralston: Yes, sir.

Mr. Carter: They recognized, then, that when you are away from your home that they should help you by paying your expenses en route to Helper, Utah?

Mr. Ralston: Yes, sir.

Mr. Carter: About what have your average wages been during the month, in 1913, when you were handling this coal you have been talking about?

Mr. Ralston: I think my average for the year 1913 was about $95 or $98.

Mr. Carter: About how much the year before?

Mr. Ralston: I haven't got the average.

Mr. Carter: Supposing, it was up hill both ways between

Pueblo and Walsenburg, you would not be able to earn that much, would you?

Mr. Ralston: I don't believe so.

Mr. Carter: Did you ever do any passenger work?

Mr. Ralston: Yes, sir.

Mr. Carter: I suppose you find passenger work is a snap?

Mr. Ralston: No, sir, not at times.

Mr. Carter: Tell me about it.

Mr. Ralston: We have a passenger run from Pueblo to LaVeta, a distance of sixty-six miles. There is no one cares to hold it on account of the hard work—

Mr. Carter: A little louder, please.

Mr. Ralston: And the excessive burning of coal.

Mr. Carter: Now, a little louder; I understood you to say that no one cares to hold it on account of the hard work?

Mr. Ralston: Yes, no one cared to hold the passenger run on account of the hard work.

Mr. Carter: Then it is hard work on a passenger run?

Mr. Ralston: Yes. Up until this late increase; there are older men holding it at the present time.

Mr. Carter: Then, if it were not for the great increase in tonnage, the possibilities are that the older men would prefer the freight trains?

Mr. Ralston: Yes, sir.

Mr. Carter: But now, with this great increase in tonnage, there is perhaps a little in favor of the passenger runs?

Mr. Ralston: Yes.

Mr. Carter: There are some light passenger runs, are there not?

Mr. Ralston: Yes, sir.

Mr. Carter: Those the older men retain?

Mr. Ralston: Yes, sir.

Mr. Carter: Passenger service then, I understand, is much like the freight service, it may vary in the degree of labor?

Mr. Ralston: Yes, sir.

Mr. Carter: But, ordinarily, do you find that a fireman works pretty hard on passenger?

Mr. Ralston: On most of our passenger runs they do.

Mr. Carter: Generally, where the big engines are, the heavy work is on passenger, is not that true?

Mr. Ralston: Yes, sir.

Mr. Carter: And the rates are graduated in our request, according to the weights on drivers, is that not true?

Mr. Ralston: I believe that is the case.

Mr. Carter: Then, if they did have a little light passenger run wouldn't they have a little light passenger engine on it, usually?

Mr. Ralston: Yes, sir.

Mr. Carter: And, therefore, we have, in our proposition, made provision for the difference between these runs, have we not?

Mr. Ralston: Yes, sir.

Mr. Carter: Do you know anything about the cost of living?

Mr. Ralston: My wife informs me that the cost of living has advanced.

Mr. Carter: Within recent years?

Mr. Ralston: Yes, sir.

Mr. Carter: You don't include the "war" prices?

Mr. Ralston: No, sir.

Mr. Carter: What are the rules of your company about men taking lay-offs and examining them for their physical disabilities that might have occurred in the service?

Mr. Ralston: We have a fireman who was cut off the extra board about March 9th, and was requested to return to the service about July 22nd. He was required to undergo the doctor's examination, and was turned down.

Mr. Carter: What was the matter with him?

Mr. Ralston: General disability.

Mr. Carter: Do you think these twenty-five and thirty tons of coal had anything to do with his disability?

Mr. Ralston: I couldn't say.

Mr. Carter: Anyhow, he is worn out?

Mr. Ralston: Yes, sir.

Mr. Carter: On the scrap heap. All right, that is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Ralston, you say there are six new passenger engines on this division, but there has been no change in the freight motive power for how long?

Mr. Ralston: Since I have been there, in the last six years.

Mr. Sheean: The weight on drivers on that division is just the same, now, in freight service as it was when you came there?

Mr. Ralston: I believe it is.

Mr. Sheean: Then, any increase in tonnage ratings there has been due to a change in their alignment, or in increasing the efficiency of the engine itself?

Mr. Ralston: The increase in tonnage has increased since along about July and August, that was when they increased us, on the same line, same track and same grade.

Mr. Sheean: Now, I don't quite understand what this change in alignment or change in grade was, between a couple of points that you mentioned on your direct examination. I thought you said that they had built some new track or cut-off of some sort?

Mr. Ralston: They have built a new track from Southern Junction to Walsenburg, which is used by the C. & S., and Rio Grande jointly.

Mr. Sheean: What was the grade that they went over there before?

Mr. Ralston: Over the old line?

Mr. Sheean: Yes.

Mr. Ralston: Part of it was about 1.42 per cent.

Mr. Sheean: And, on this new line, what is the grade?

Mr. Ralston: About a one per cent grade.

Mr. Sheean: What distance does that cover where the change in grade was made?

Mr. Ralston: About forty-eight miles.

Mr. Sheean: Forty-eight miles?

Mr. Ralston: I think that was the distance.

Mr. Sheean: Was there any change made in the alignment or curvatures there on that part of the division, by the building of the new line or cut-off?

Mr. Ralston: Yes, sir.

Mr. Sheean: What change was made in the matter of curvature there?

Mr. Ralston: I couldn't say exactly, but it is a new line altogether; it is separate from the old line.

Mr. Sheean: And all of the heavy tonnage is operated over the new line, is it?

Mr. Ralston: Yes, sir.

Mr. Sheean: On that part of the line then, a change in tonnage rating was made from what to what?

Mr. Ralston: The old line going west, I think, was about 735 tons. Coming east, it was about a thousand tons. Going over the new line it was 850 tons; and coming east, I don't know of any rating. They pick up something like four thousand tons.

Mr. Sheean: Coming east you are on this 1 per cent down grade?

Mr. Ralston: Yes, sir.

Mr. Sheean: What is the weight on drivers of these engines that have been there during all the time that you have been there?

Mr. Ralston: 185 class, Consolidated, 22 by 28 inch cylinders, 183,790; weight on drivers, 164,690.

187 class, Consolidated, 22 by 28 inch cylinder, 185,600 was the total weight; weight on drivers, 165,100 pounds.

Those are the two classes of engines that principally do the work down there.

Mr. Sheean: Is there a difference in weight on drivers of the two classes you use there?

Mr. Ralston: Yes, sir.

Mr. Sheean: What does the one class weigh, and what does the other class weigh, on drivers?

Mr. Ralston: The 185 class weigh 164,690 pounds on drivers.

Mr. Sheean: What is the weight on drivers of the other class?

Mr. Ralston: The 187 class, 165,100 pounds.

Mr. Sheean: Neither of the engines, or none of the engines that you have operated over this mountain division, at any time, have weighed as much as 185,000 pounds on the drivers?

Mr. Ralston: We have an engine that is hardly ever used down there, very seldom used on the south end, that weighs 194,100 pounds.

Mr. Sheean: But that is hardly ever used?

Mr. Ralston: Hardly ever used; on the south end.

Mr. Sheean: These two classes you have spoken of, one a little below and one a little above 165,000 pounds on drivers—

Mr. Ralston: Yes.

Mr. Sheean (Continuing): —are the engines that are ordinarily used in the freight service over this district or division?

Mr. Ralston: Yes, sir.

Mr. Sheean: Well, even as low in weight as 165,000 pounds on drivers, when operating in mountain territory, you think it might be desirable to have two firemen operate part of the way, do you?

Mr. Ralston: I do.

Mr. Sheean: In mountain territory. The runs are first based on the weight of 185,000 pounds on coal-burning engines and then on the lighter weight; in peculiar conditions of operation, you think it would be desirable to furnish some relief to firemen?

Mr. Ralston: Yes, sir.

Mr. Sheean: And these engines that you have here are superheated?

Mr. Ralston: No, sir.

Mr. Sheean: Brick arch?

Mr. Ralston: No, sir.

Mr. Sheean: And have neither the automatic door nor automatic pusher?

Mr. Ralston: No, sir.

Mr. Sheean: And the grade over which you operate now is a one per cent grade?

Mr. Ralston: One per cent. In some places 1.42.

Mr. Sheean: 1.42 in other places?

Mr. Ralston: Yes, sir.

Mr. Sheean: What is the total distance on the run you have there?

Mr. Ralston: I have one of 66 miles and another one of 85 miles on the third district.

Mr. Sheean: Is this a part of the line where Mr. Carter said the other day the rates changed at every milepost?

Mr. Ralston: No, sir.

Mr. Sheean: Your basis of pay, I mean.

Mr. Ralston: No, sir.

Mr. Sheean: Do you run over part of it at one rate and another part at a different rate?

Mr. Ralston: No; it is all the same rate.

Mr. Sheean: Through the whole of the district?

Mr. Ralston: Yes, sir.

Mr. Sheean: Well, is the rate on the shorter district you spoke of the same as on the other district?

Mr. Ralston: Yes, sir.

Mr. Sheean: And what is the rate?

Mr. Ralston: Per mile?

Mr. Sheean: You are paid on a mileage basis?

Mr. Ralston: Yes, sir.

Mr. Sheean: What is the rate per mile?

Mr. Ralston: We get 3.93 on that class of engines, 80 miles to constitute a day, or $3.15 a day.

Mr. Sheean: What is it?

Mr. Ralston: We get $3.15 per day or 3.93 per mile, 80 miles or less to constitute a day.

Mr. Sheean: That is, the minimum pay shall be $3.15?

Mr. Ralston: Yes, sir.

Mr. Sheean: And if, at the rate of 3.93 per mile you make anything less than an aggregate of $3.15, you are paid the $3.15?

Mr. Ralston: Yes, sir.

Mr. Sheean: Wherever it runs to more than $3.15, the rate is 3.93 per mile run?

Mr. Ralston: Yes, sir.

Mr. Sheean: Now, I understood you to say that you thought it was somewhat harder to fire an engine on this new track than it was on the old division, or the old part of the line which the new one replaced. On the old line, was the grade constant, or was it up and down?

Mr. Ralston: No, sir, it was up and down.

Mr. Sheean: On this new line, they have cut down the grade and cut out many of the curves, reducing the grade to one per cent where it was nearly one and one-half per cent before?

Mr. Ralston: Yes, sir.

Mr. Sheean: Well, your observation in operating in mountain territory is that it is easier on the fireman to have the changes of grades, the ups and downs, rather than a straight and level, steady pull?

Mr. Ralston: In this way, that they cannot put the tonnage on you going over the humps.

Mr. Sheean: Going over the humps?

Mr. Ralston: Yes, sir.

Mr. Sheean: Then, also, there is a change, isn't there, when you come to the peak of one of these hogbacks or curves. there is a break in your work when you are going down the part you have climbed up?

Mr. Ralston: To a certain extent, yes.

Mr. Sheean: You have never fired anywhere except on the mountains, or have you?

Mr. Ralston: Yes, sir. Not on the Rio Grande.

Mr. Sheean: Not on the Rio Grande?

Mr. Ralston: No, sir.

Mr. Sheean: You came to the Rio Grande when?

Mr. Ralston: December 21st, 1908.

Mr. Sheean: And have remained on this same division ever since?

Mr. Ralston: Yes, sir, with the exception of the first year I went there, they transferred me to Salida, and I worked at Salida three or four trips, and then they transferred me to Minturn, and I worked up the Minturn hill at what is known as Tennessee Pass two or three months.

Mr. Sheean: You have fired on some of the passenger runs, as well as freight?

Mr. Ralston: Yes, sir.

Mr. Sheean: When you speak of your earnings averaging $95 to $98 a month during the last year, does that include some lay-offs?

Mr. Ralston: Yes, sir. That was the year 1913.

Mr. Sheean: You have taken your earnings through the year and averaged them by the month?

Mr. Ralston: Yes, sir.

Mr. Sheean: About how many lay-offs—I don't want the detail, just in a general way?

Mr. Ralston: I haven't got any definite figures. I suppose one or two trips a month, more or less.

Mr. Sheean: That would be about a fair average, laying off one or two trips a month?

Mr. Ralston: Probably three some months.

Mr. Sheean: And that is throughout the whole year, or then in addition to that did you lay off a couple of weeks at any time?

Mr. Ralston: I believe I laid off ten days on account of sickness during the year 1913, about November—somewhere in the fall of the year.

Mr. Sheean: In addition to that, there would be a fair average of two or three lay-offs a month?

Mr. Ralston: I think so.

Mr. Sheean: Running through the year?

Mr. Ralston: Yes, sir.

Mr. Sheean: Some of these passenger runs through the mountains are quite short, aren't they, in mileage, and reasonably short in time?

Mr. Ralston: Yes, sir. From Pueblo to La Veta, 66 miles.

Mr. Sheean: And what is the running time there?

Mr. Ralston: Two hours and fifty-five minutes.

Mr. Sheean: And that pays $3.15 to the fireman?

Mr. Ralston: It pays $3.10.

Mr. Sheean: They have a different minimum then on that?

Mr. Ralston: Yes, sir. $3.10, in passenger service.

Mr. Sheean: Are the conditions on this division that you work on there generally the conditions on the Denver & Rio Grande system, or do you have any knowledge about the system generally?

Mr. Ralston: No, on the system generally I have not.

Mr. Sheean: Do you know whether there are younger firemen on adjoining divisions, who, by reason of seniority, district seniority or rights running only over the district, who are younger than you and yet who are higher up on the seniority list than you happen to be on that division?

Mr. Ralston: I don't know.

Mr. Sheean: The matter of seniority on the Denver & Rio Grande is limited to particular districts?

Mr. Ralston: Yes, sir.

Mr. Sheean: And you do not know whether or not, as a matter of fact, there are more or less firemen on the entire system now than there were in 1910?

Mr. Ralston: Beg pardon?

Mr. Sheean: You don't know whether or not the Denver & Rio Grande has more firemen or less firemen now than it had in 1910?

Mr. Ralston: We have less firemen out of Pueblo.

Mr. Sheean: On that particular division?

Mr. Ralston: Yes, sir.

Mr. Sheean: And as to what the fact may be on the system, as a whole, you have no knowledge?

Mr. Ralston: I have no knowledge in regard to the system.

Mr. Sheean: How has your business been out there, as to the volume of business, recently—as to the amount of tonnage that you have to handle there on the road—I mean how is the road's business?

Mr. Ralston: Very poor. Very few crews working.

Mr. Sheean: And how has it been, not merely since the war, but during the last year, as compared with previous years, and what tonnage there is there to handle?

Mr. Ralston: It has been very poor the last year in regard to the crews we have working. We have not many crews working.

Mr. Sheean: Well, has not the business of the Denver & Rio Grande been very seriously affected there by the strike in the Colorado Fuel & Iron district?

Mr. Ralston: I don't think it would affect us in the number of crews more than three.

Mr. Sheean: Well, I would not know as to that. The business itself has been slack throughout all that time in comparison with previous years?

Mr. Ralston: I could not say it would have any effect on the tonnage.

Mr. Sheean: Except it is less; they have less business to handle?

Mr. Ralston: It is somewhat less, yes, sir.

Mr. Sheean: Now, this assistance that the engineer has given you at times on the run there, was that in getting the coal down, shoveling down?

Mr. Ralston: Yes, sir.

Mr. Sheean: He never actually shoveled it into the fire box?

Mr. Ralston: No, sir. In some cases he would, when I would shovel down the coal.

Mr. Sheean: Any sort of device, either a coal pusher or a sloping tank which would at all times bring the coal up to be

accessible to the fireman, would eliminate the conditions which have been relieved by the engineer at times?

Mr. Ralston: Yes, sir.

Mr. Sheean: That part of it?

Mr. Ralston: Yes, sir. We have the sloping tank, but we haven't got the automatic coal pusher.

Mr. Sheean: The sloping tank brings the coal down within reach of the fireman?

Mr. Ralston: It will run down the slope, but you have to shovel it down within reach of the fireman.

Mr. Sheean: The slope does not come far enough forward?

Mr. Ralston: No, sir.

Mr. Sheean: That condition is met on the engines which have a coal pusher, bringing it within reach of the fireman, or have you never operated with an automatic pusher?

Mr. Ralston: I never have.

Mr. Sheean: Of course where the sloping tank is provided, if the coal is replenished en route, in the matter of providing coaling stations, on the sloping tank, it does, for a time, place all of the coal within reach of the fireman?

Mr. Ralston: No, it will not run down the slope of the tank.

Mr. Sheean: What is it?

Mr. Ralston: It will not run down the slope of the tank.

Mr. Sheean: I say, when the tank is full, when the coal has been freshly put on there it will, for a time, run down within reach of the fireman?

Mr. Ralston: Yes, sir.

Mr. Sheean: And if the re-coaling is done so as to have the tank fully supplied with coal, it will continue to run down to about what stage?

Mr. Ralston: It will continue to run down where the fireman can reach it nicely.

Mr. Sheean: How low does the coal have to get before it stops coming down within his reach?

Mr. Ralston: It has got to come down to the bottom of the tank, where he has got to go back into the pit for it.

Mr. Sheean: Then, if the engines are kept coaled so that they are filled from the bottom up to the top of the available space, then the coal is kept within reach of the fireman?

Mr. Ralston: Yes, sir.

Mr. Sheean: It was on these trips only where the coal had run down below the slope of the tank that you had to get any help from the engineer?

Mr. Ralston: Yes, sir.

Mr. Sheean: On most of the runs it does come forward, does it, so it can be reached by you?

Mr. Ralston: Not on the run on the south end. When I go to Cuchara, a distance of 48 miles, I barely scratch in the coal.

Mr. Sheean: You use all of the coal on that run?

Mr. Ralston: Yes, sir.

Mr. Sheean: A coaling station would take care of that?

Mr. Ralston: Yes, sir.

Mr. Sheean: I don't know that all of us have a correct idea of about how big a ton of coal is. Do you know, in cube shape, about what size a ton of coal is?

Mr. Ralston: I could not give you any figures in regard to that. I go by the size of the tank.

Mr. Sheean: Is not it a fact that a ton of ordinary bituminous coal is about three and a half feet in each direction?

Mr. Ralston: I think that is about right.

Mr. Sheean: In shoveling coal you use a scoop that takes what, sixteen pounds?

Mr. Ralston: I think that is the average, about sixteen pounds to the scoop.

Mr. Sheean: And the coal that is burned there is Colorado coal?

Mr. Ralston: Yes, sir.

Mr. Sheean: You do not burn lignite out there—it is bituminous coal?

Mr. Ralston: Bituminous coal.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Carter: Mr. Ralston, you spoke of laying off after making one of these trips, when you shoveled from 20 to 25 tons of coal. Is it not a fact that you have to lay off for rest?

Mr. Ralston: Yes, sir. I would not stand it and keep it up day in and day out.

Mr. Carter: The very fact that you do lose time, then, is evidence that you should receive special consideration, instead

of it being held against you, for being a lazy man, is that not true?

Mr. Ralston: Yes, sir.

Mr. Carter: If it should be, at any time, brought out here that it was believed the reason firemen laid off was because they were lazy, that would hardly be true, is that not the fact?

Mr. Ralston: Yes, sir.

Mr. Carter: When you do lay off, when business falls off, does your salary continue?

Mr. Ralston: No, sir.

Mr. Carter: You are a piece worker, are you not?

Mr. Ralston: I am.

Mr. Carter: The railroad does not pay your rent when the business falls off?

Mr. Ralston: No, sir.

Mr. Carter: Nor your grocery bills?

Mr. Ralston: No, sir.

Mr. Carter: Therefore, does not the burden of the decrease in business fall heavier on engineers and firemen perhaps than any other persons connected with a railroad company, with the possible exception of trainmen and conductors?

Mr. Ralston: Yes, sir.

Mr. Carter: I understood you to say even with this decrease in business, which was just now brought out, you have to lay off?

Mr. Ralston: When you have a regular turn.

Mr. Carter: Now, it was also brought out here, that under our proposition you still have to shovel these 25 to 28 tons of coal by yourself, because we only ask for two firemen on locomotives weighing 185,000 pounds or more on drivers—does it appear to you that we overlooked a place where we should have asked for two firemen?

Mr. Ralston: Yes, sir.

Mr. Carter: Even if we get our request you then will still have to shovel this coal by yourself, is that true?

Mr. Ralston: Yes, sir.

Mr. Carter: Would you not think our request is too conservative so far as your interests are concerned?

Mr. Ralston: Beg pardon?

Mr. Carter: Don't you think that our requests are perhaps too conservative, so far as your interests are concerned?

Mr. Ralston: Yes, sir.

Mr. Carter: I mean by that, don't you think we should have made it about 160,000 pounds on drivers?

Mr. Ralston: I do.

Mr. Carter: That is all.

RE-CROSS EXAMINATION.

Mr. Sheean: Mr. Ralston, there is not any provision in the Denver & Rio Grande schedule about any piece work, is there; that is, I mean that term is not used there?

Mr. Ralston: No.

Mr. Sheean: You are paid by the mile, and when on this run, for instance, to Salida, made in two hours and fifty-five minutes—

Mr. Ralston: From Pueblo to La Veta.

Mr. Sheean: From Pueblo to La Veta, if that is made in the two hours and fifty-five minutes, then it is piece work; but if it runs into overtime, then it is not piece work; is that the idea?

Mr. Ralston: If it runs into overtime, I am paid overtime at the overtime rate.

Mr. Sheean: In other words, whenever you start out on a run, under your schedule there, in case you make it on a more favorable basis than the hourly basis, you treat is as piece work; but the company, in case of any delay of any sort, so that it runs into hours, is required to pay you overtime rates?

Mr. Ralston: Yes, sir.

Mr. Sheean: On that particular passenger run, this two hours and fifty-five minutes, in case that should be more than one hour late, you are paid overtime, are you not?

Mr. Ralston: Yes, sir.

Mr. Sheean: So that running that 66 miles is a piece work proposition if it is on time, but if it happens to be late, then it is not a piece work proposition any more?

Mr. Ralston: If it is late, I am paid overtime at the overtime rate.

Mr. Sheean: In case that train is more than thirty minutes late, you are paid an hour's overtime, are you not?

Mr. Ralston: Thirty minutes or more; yes, sir.

Mr. Sheean: Thirty minutes or more?

Mr. Ralston: Yes, sir.

Mr. Sheean: So that, run on time, taking two hours and fifty-five minutes, if a delay of 31 minutes occurred there, you would be paid this $3.10 rate for the two hours and fifty-five minute run, plus one hour as overtime?

Mr. Ralston: Yes, sir.

Mr. Sheean: And how much for that hour?

Mr. Ralston: 32 cents.

Mr. Sheean: Mr. Ralston, I judge from what you say, that the matter of operating an engine of certain weight on drivers, the work that falls on the fireman, is influenced and affected very largely by the question of brick arches, superheat, mechanical door pusher, mechanical coal passer or coal pusher, mechanical stoker, and various other devices; that is, all of those things enter into and affect and influence and determine just what the work of the fireman on the engine is?

Mr. Ralston: Yes, sir.

Mr. Sheean: There are a lot of other things than weight on drivers to consider in determining what the fireman has to do on any particular engine, are there not?

Mr. Ralston: Yes, sir.

Mr. Shea: Mr. Ralston, what is the coal capacity of the tender of those engines that you refer to?

Mr. Ralston: I asked the master mechanic, and he informed me it was sixteen tons. They had to put an extension around the top of the tank; they could not make it with the coal until they put this extension up; it extends up about twelve or fourteen inches.

Mr. Shea: Starting out on a train with a full tank of coal, about how many tons do you consume before it is necessary to shovel coal down, or shovel it ahead, as you call it?

Mr. Ralston: About ten to twelve tons.

Mr. Shea: Then, if you consume the full tank of coal going over the division, assuming that you had sixteen tons, you would be compelled, or else someone would be compelled, to handle six tons twice?

Mr. Ralston: Yes, sir.

Mr. Shea: Now, Mr. Ralston, I believe you stated your

average monthly earnings for the year 1913. What has been your average earnings for the year 1914, or from January, say, to December 1st?

Mr. Ralston: During the months I was working, I think my average would be about $65 or $68.

Mr. Shea: And did you have steady work all this year?

Mr. Ralston: I was cut off the board from March 25th until June 2nd.

Mr. Shea: What do you mean by cut off the board, no work for you?

Mr. Ralston: Cut off the firemen's extra board entirely; no work for me.

Mr. Shea: How many years' seniority have you with that company as a fireman?

Mr. Ralston: Six years, lacking about four days.

Mr. Shea: When did I understand you to say the tonnage was increased on these trains that you referred to?

Mr. Ralston: I have the time card rating of June 7th and the bulletin ratings since then.

Mr. Shea: June 7th, 1914?

Mr. Ralston: Yes, sir. The bulletin ratings are about August, July and August, and some in June. The increase on June 7th, that is, the bulletin rating from Pueblo to Walsenburg, for a 185 class engine, the time card rating on time card number 111, was 850 tons. The bulletin rating was 1,449 tons. The bulletin came out in August. I have a copy of the bulletin here somewhere.

Mr. Shea: What effect did that have on the fireman, this increase in tonnage from 850 tons to 1,449 tons? What effect did that have upon the firemen who were actually working at that time?

Mr. Ralston: It required them to shovel more coal, and longer hours on duty.

Mr. Shea: Aside from that, what effect did it have, that is, so far as the number of firemen in the employ of the company is concerned? Did it decrease the number of firemen or increase them?

Mr. Ralston: They have about the same number; the tonnage has increased.

Mr. Shea: Did it require more firemen or less firemen to handle that business between these points?

Mr. Ralston: Less firemen.

Mr. Shea: That is all.

Mr. Byram: This new line that you spoke of was between Southern Junction and Walsenburg, I believe?

Mr. Ralston: Yes, sir.

Mr. Byram: And the grade there was reduced from one and a half to one per cent?

Mr. Ralston: In places the old line was one and a half, one and a quarter, to two.

Mr. Byram: Which way does the business move between those points; that is, do you haul your loaded cars from Walsenburg to Pueblo, or from Walsenburg to Southern Junction?

Mr. Ralston: We haul loaded cars from Walsenburg to Pueblo and the empties south to Walsenburg.

Mr. Byram: You haul the loaded cars down hill, then?

Mr. Ralston: Yes, sir.

Mr. Byram: And it is all down hill; that is, there is no adverse grade from Walsenburg?

Mr. Ralston: Practically all down hill; some places it is nearly level.

Mr. Byram: Formerly you used the old line between the same points, did you not, in hauling coal?

Mr. Ralston: Yes, sir.

Mr. Byram: Did you have to haul any of that coal up hill on the old line?

Mr. Ralston: Yes, sir.

Mr. Byram: You had to haul it up hill?

Mr. Ralston: Yes, sir.

Mr. Byram: So, now, you haul the coal down hill where you formerly hauled it up hill; is that right?

Mr. Ralston: Yes, sir.

Mr. Byram: Did you say it took you longer to make a trip from Walsenburg to Southern Junction now than it did when you were hauling it on the old line?

Mr. Ralston: No, sir, I did not say from Walsenburg to Southern Junction.

Mr. Byram: You make better time now than you did before?

Mr. Ralston: No,—well, yes, I will say we make a little bit better time, not much.

Mr. Byram: So, in that respect, the building of this new line has improved your condition?

Mr. Ralston: In one respect it has, and in another it has not.

Mr. Byram: In the respect that it takes less time to go from Walsenburg to Southern Junction than it did before?

Mr. Ralston: Yes, sir.

Mr. Byram: That is why, because this is a double track road?

Mr. Ralston: A double track road.

Mr. Byram: And the other was single track?

Mr. Ralston: And the other was single track.

Mr. Byram: And you haul your coal down hill where you formerly hauled it up hill?

Mr. Ralston: We formerly hauled it part of the way up hill; it was up and down.

Mr. Byram: But you do not haul it at all up hill, now?

Mr. Ralston: No.

Mr. Byram: It is all down hill?

Mr. Ralston: Yes, sir.

Mr. Byram: Does that make it easier, to haul the load down hill?

Mr. Ralston: Coming down hill, it is.

Mr. Byram: That is the way the loads go?

Mr. Ralston: Yes, sir.

Mr. Byram: And the empties go in the other direction?

Mr. Ralston: Yes, sir.

Mr. Byram: You spoke of seniority or promotion being slower now than it was before.

Mr. Ralston: Yes, sir.

Mr. Byram: That is the fact, as I understand it?

Mr. Ralston: Yes, sir.

Mr. Byram: And you ascribe that to what cause, why do you think promotion is slower now than it was formerly?

Mr. Ralston: Because we have so many engineers promoted ahead of me. We had twenty engineers who were never placed on the seniority list, last summer.

Mr. Byram: Then these men hold their seniority ahead of you?

Mr. Ralston: Yes, sir.

Mr. Byram: What would give you a change to promotion, in what way can you secure promotion? To take one of those better positions when somebody leaves the service?

Mr. Ralston: Yes.

Mr. Byram: And might it not be that your promotion is slower because these men stick closer to their jobs than they used to, not so many men leave the service on these better positions that you are anxious to get?

Mr. Ralston: That might be the case.

Mr. Byram: That is all.

Mr. Nagel: Mr. Ralston, reference has been made to the physical examinations to which engineers and firemen are subjected. Do you want to have it understood, that every ailment, on account of which a man may be retired, is to be ascribed to the occupation of fireman or engineer?

Mr. Ralston: I do not understand your question.

Mr. Nagel: Do you want to have it understood that every ailment, on account of which a man may be retired, is to be traced to your occupation?

Mr. Ralston: No, not exactly.

Mr. Nagel: In other words, if your eye sight fails, that may be the result of the employment, or it may be attributed to some physical ailment of which the failing eyes are only a symptom?

Mr. Ralston: Yes, sir.

Mr. Nagel: Do you know what percentage of men are retired as the result of these examinations?

Mr. Ralston: I do not.

Mr. Nagel: Do you think the percentage is large enough to account for the very fine appearance of the witnesses who have appeared before us?

Mr. Ralston: Well, I could not answer that.

Mr. Nagel: Do you think the witnesses who have appeared are fairly representative of the whole force?

Mr. Ralston: I do.

Mr. Nagel: Do you know where most of the firemen come from? Do they come from farms?

Mr. Ralston: Most of them out there, I believe, have come from farms.

Mr. Nagel: Did you come from a farm?

Mr. Ralston: I was born and raised on a farm.

Mr. Nagel: Are you sorry you left it?

Mr. Ralston: Yes, sir.

Mr. Nagel: Anything to prevent your going back?

Mr. Ralston: Yes, sir.

Mr. Nagel: What is the trouble?

Mr. Ralston: I haven't got the farm to go to.

Mr. Nagel: Well, there is a way of getting a farm without owning it at the time you go. Is it not true that it is your ambition to become an engineer?

Mr. Ralston: Yes, sir.

Mr. Nagel: And you want to be an engineer because you love the game?

Mr. Ralston: Yes, sir.

Mr. Nagel: That is all.

Mr. Sheean: Mr. Ralston, did I understand you to say that it was in April last that you were reduced?

Mr. Ralston: March the 25th.

Mr. Sheean: March 25th, 1914?

Mr. Ralston: Until June 2nd.

Mr. Sheean: Until June 2nd?

Mr. Ralston: Yes, sir.

Mr. Sheean: The tonnage rating, then, about which Mr. Shea asked you, was not changed until July last, is that right?

Mr. Ralston: The tonnage rating remained the same on the time card, but it was changed by bulletin.

Mr. Sheean: Well, at the time that you were displaced in March last the tonnage rating was just the same as it had been for a long time before that?

Mr. Ralston: I believe it has been the same.

Mr. Sheean: For a long time before that; it was not due to any change in tonnage rating that you were dropped back at that time, but from older men exercising their seniority.

Mr. Ralston: Yes.

Mr. Sheean: Of limiting the board in size?

Mr. Ralston: And the increase in the new passenger en-

gines cut out the double-heading of passenger trains and set the men back.

Mr. Sheean: Yes; and in that way the exercise of the seniority rights had cut the size of the board, reduced the board?

Mr. Ralston: Yes, sir.

Mr. Sheean: So that in March last, without any change in the tonnage rating for a long time prior to that, you were dropped back or dropped out, practically?

Mr. Ralston: Yes, sir.

Mr. Sheean: Then you were taken back in June, 1914?

Mr. Ralston: Yes, sir.

Mr. Sheean: And in July, 1914, they changed the tonnage rating?

Mr. Ralston: Yes, sir.

Mr. Sheean: So that you came back into service about the time that the tonnage rating was changed on the same engines?

Mr. Ralston: The increase in business; the business picked up.

Mr. Sheean: Well, it happened there that the increase in tonnage rating and the increase in business and the increased employment all came together, practically?

Mr. Ralston: Yes, sir.

Mr. Sheean: It was not a case of the men dropping off when the tonnage rating went up, but the number of men and the tonnage rating both went up at about the same time?

Mr. Ralston: Yes, sir.

Mr. Sheean: In your case?

Mr. Ralston: Yes, sir.

Mr. Sheean: That is all.

Mr. Shea: Just one more question. There has been a great deal said about the loads hauled. Is it not a fact that an engine can be overloaded by simply hauling empty cars?

Mr. Ralston: Yes, sir.

Mr. Shea: Well, is it not just as hard for a fireman to pull a loaded train of empty cars as it is a train of loaded cars?

Mr. Ralston: Yes, sir.

Mr. Shea: It does not make any difference to the fireman, does it?

Mr. Ralston: No difference, none whatever.

Mr. Shea: Now, Mr. Ralston, when you were laid off in

March, were there any other firemen laid off at the same time?

Mr. Ralston: Yes, sir.

Mr. Shea: How many?

Mr. Ralston: I should judge, about fifteen.

Mr. Shea: When you were restored in June, were all of the other firemen that were laid off restored to service?

Mr. Ralston: Yes, sir.

Mr. Shea: All of them?

Mr. Ralston: Yes.

Mr. Shea: And about that time, or shortly afterwards, they increased the tonnage on these trains?

Mr. Ralston: Yes, sir.

Mr. Shea: If they had not increased the tonnage on these trains, it would have given more work to those firemen, or there would have been an opportunity to hire more firemen, would there not?

Mr. Ralston: Yes, sir.

Mr. Shea: That is all.

The Chairman: We will take a recess now until 2:30.

(Whereupon, at 12:30 o'clock P. M., a recess was taken until 2:30 o'clock P. M.)

After Recess.

Mr. Carter: Mr. Kane.

L. J. KANE was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence.

Mr. Kane: L. J. Kane; Aberdeen, South Dakota.

Mr. Carter: What is your present employment?

Mr. Kane: Locomotive fireman.

Mr. Carter: By what road are you employed?

Mr. Kane: Chicago, Milwaukee & St. Paul.

Mr. Carter: On what division?

Mr. Kane: On the West Hastings and Dakota Division.

Mr. Carter: Have larger engines been introduced on the division on which you are employed?

Mr. Kane: They have been, three different times since I have been there.

Mr. Carter: Now, briefly, and in a plain way so they can hear it, state how the power has been changed during the period that you have been working there.

Mr. Kane: When I first started there they had a 10-wheel engine, weighing about 80,000 pounds on drivers. Then, they got a Prairie type engine weighing 152,000 pounds; and then a Consolidation engine weighing about 190,000 pounds. Now, they have the Mikados weighing 216,500.

Mr. Carter: In what length of time has this transition from the small engine to the large engine taken place, how many years?

Mr. Kane: Well, about two years was the first one, and then about eighteen months for the two others.

Mr. Carter: Then in the seven years that you have been employed on this division, all these changes in motive power have taken place?

Mr. Kane: Yes, sir.

Mr. Carter: Have you noticed an increase in tonnage with this increase in power of locomotives?

Mr. Kane: Yes, sir.

Mr. Carter: Can you give us an idea as to about how this tonnage has increased?

Mr. Kane: Why, the tonnage varies in different parts of the division, but the lowest increase has been 400 tons, and the largest has been 1,200 tons.

Mr. Carter: What has been the effect of this increase in tonnage on the seniority, on the promotion, and on the employment of firemen?

Mr. Kane: Why, it takes fewer men to do the work than it formerly did.

Mr. Carter: How many firemen are there now on your seniority list that are older than you, including demoted engineers?

Mr. Kane: Between 20 and 25.

Mr. Carter: And you have been there seven years?

Mr. Kane: Yes, sir.

Mr. Carter: Do you think it will be some time before you run a regular engine?

Mr. Kane: It will be ten or twelve years, at least.

Mr. Carter: Then, the theory that used to be advanced that part of your pay was your prospect for running a locomotive, has been exploded, is that not true?

Mr. Kane: Yes, sir.

Mr. Carter: If, formerly, firemen were partially paid for their duties by the prospects of early promotion, and now they know that promotion will be long delayed, then if this theory of the railroads is correct, have they not reduced the wages of firemen?

Mr. Kane: Yes, sir.

Mr. Carter: Promotion is very much slower, is it not, with the advent of the increased tonnage, than it was before?

Mr. Kane: Yes, sir.

Mr. Carter: Did it not take a large corps of engineers to handle the traffic when the engines were small and the tonnage was small?

Mr. Kane: Yes, sir.

Mr. Carter: Now, with large engines and heavy tonnage, the number of engineers required to perform the same work, is a great deal less?

Mr. Kane: Yes, sir.

Mr. Carter: As the number of engineers decrease, then the prospects of a fireman to be promoted, also decrease?

Mr. Kane: Yes, sir.

Mr. Carter: How many firemen have been laid off on your seniority district?

Mr. Kane: About 28 or 30.

Mr. Carter: If, by the increase in the tonnage of trains, firemen have been set back in their employment, or had their promotion greatly delayed, do you believe they should be compensated by higher rates of pay?

Mr. Kane: Yes, sir.

Mr. Carter: Where increased tonnage has reduced the speed of trains to less than ten miles per hour, so that firemen are paid on an hourly basis instead of a mileage basis, is the effect not to actually decrease the wages or earning capacity of the firemen?

Mr. Kane: Yes, sir.

Mr. Carter: When you are working on an hourly basis, you

have no opportunity to earn higher wages than the rate per hour named in the schedule, have you?

Mr. Kane: No, sir.

Mr. Carter: On the hourly basis you cannot earn good wages without making excessive hours?

Mr. Kane: No, sir.

Mr. Carter: When an engine is new, does it burn less coal than when it becomes old or in bad mechanical condition?

Mr. Kane: Yes, sir.

Mr. Carter: Will you explain how an engine becomes defective with mileage; for instance, here is a locomotive that has only made a few hundred miles, what is the difference in the mechanical condition of that locomotive and one which has made a considerable number of thousands of miles?

Mr. Kane: Well, the boiler becomes weaker.

Mr. Carter: How is that, now?

Mr. Kane: The boiler becomes weaker and is apt to leak, and the front end arrangements get out of place. Takes a stronger draft and takes more coal.

Mr. Carter: Does scale form on the flues?

Mr. Kane: Yes, sir.

Mr. Carter: What is the effect of scale on the flues in a locomotive boiler?

Mr. Kane: Why, it shuts off the draft.

Mr. Carter: It acts as an insulator, does it?

Mr. Kane: Yes, sir.

Mr. Carter: Does this white scale formed around the outside of a flue prevent the heat passing through the flue and being communicated to the water—is that not true?

Mr. Kane: Yes, sir.

Mr. Carter: How about the valves blowing?

Mr. Kane: The valves blow and then the cylinder will be worn out; making a larger cylinder.

Mr. Carter: Generally a bad mechanical condition?

Mr. Kane: Yes, sir.

Mr. Carter: Is it not necessary, in railroad practice, to use engines until they do become in this condition, before general shipping?

Mr. Kane: Yes, sir.

Mr. Carter: You do not complain that this is a fact, do you?

Mr. Kane: No, sir.

Mr. Carter: You recognize it as being necessary in railroad practice?

Mr. Carter: Any new engine burns less coal than an old engine?

Mr. Kane: Yes, sir.

Mr. Carter: Even though it be equipped with a superheater?

Mr. Kane: Yes, sir.

Mr. Carter: Do you know anything about these superheaters?

Mr. Kane: Yes, sir.

Mr. Carter: Tell us about them.

Mr. Kane: Why, I fired a superheater probably five months. Of course the engines out there are all new, practically new—superheaters—and when they begin to get run down a little bit the superheater pipes and other arrangements in the front end get leaky and get out of order, they are as bad, if not worse, than the saturated engine.

Mr. Carter: Is it not a fact, if a locomotive, while being overhauled, has a superheater placed in that boiler, that the heating surface, so far as the steam making heating surface is concerned, is reduced?

Mr. Kane: Yes, sir.

Mr. Carter: Is it not a fact that the fireman depends, to a large extent, on the great area of the heating surface, in order to make steam?

Mr. Kane: Yes, sir.

Mr. Carter: Then, if we take out a large number of small pipes, in order to make room for a small number of larger pipes, does that not reduce the area of the heating surface?

Mr. Kane: Yes, sir.

Mr. Carter: And ordinarily would reduce the steaming capacity of that locomotive, would it not?

Mr. Kane: Yes, sir.

Mr. Carter: When in these larger types, superheater units are inserted, does not that tend to obstruct the draft and cause

an accumulation of cinders and ashes around those superheater units?

Mr. Kane: Yes, sir.

Mr. Carter: And on the road sometimes after leaving a terminal, this occurs, does it not?

Mr. Kane: Yes, sir.

Mr. Carter: What is the effect on the steaming of the locomotive?

Mr. Kane: Well, the fire does not burn as good as it ought to, and you have to crowd it more, you have to stand and watch it more than you otherwise would.

Mr. Carter: The draft is obstructed by this accumulation of cinders?

Mr. Kane: Yes, sir.

Mr. Carter: Supposing, in a superheater, head leaks occur there and the steam gets in the front end, does it reduce the vacuum there to the extent that the draft is diminished?

Mr. Kane: Yes, sir.

Mr. Carter: Therefore, superheaters may be disadvantageous at times, so far as the fireman is concerned; is that true?

Mr. Kane: Yes, sir.

Mr. Carter: Do you know anything about passenger firing?

Mr. Kane: Yes, sir.

Mr. Carter: Is it hard work?

Mr. Kane: On the majority of the runs it is, yes.

Mr. Carter: Where they have these big engines is it hard work?

Mr. Kane: Yes, sir; and on the small engines, also. A small engine is the hardest work, usually.

Mr. Carter: You mean to say the small engines are not as able to pull the number of coaches assigned to them as the larger engines are; is that right?

Mr. Kane: And the division is longer, and the capacity of the engine smaller, and they haul nearly as many cars as they do on the other ones.

Mr. Carter: Have you ever done any hostling?

Mr. Kane: Yes, sir.

Mr. Carter: You have heard the duties of hostlers described here; are those about the duties you performed?

Mr. Kane: Yes, sir, about the same.

Mr. Carter: Does the Milwaukee road employ experts, or so called experts to do their hostling? I mean by that, do they require their hostling to be done by engineers and firemen?

Mr. Kane: Our schedule calls for hostling positions, when they are filled by bulletin, that it will be an engineer or fireman with three or more years' experience.

Mr. Carter: Three or more years' experience?

Mr. Kane: Yes, sir.

Mr. Carter: Do you believe it is advisable, for the safety of the public, for the safety of engineers and firemen, and for the interest of the railroad, to have experienced men as hostlers?

Mr. Kane: I certainly do, yes, sir.

Mr. Carter: What pay do you receive as a hostler?

Mr. Kane: $3.30 for twelve hours' work.

Mr. Carter: $3.30 for twelve hours' work?

Mr. Kane: Yes, sir.

Mr. Carter: That is not very much wages, either, it is?

Mr. Kane: No.

Mr. Carter: How much is that an hour? I cannot figure?

Mr. Kane: About 27 cents.

Mr. Carter: About 27 cents an hour?

Mr. Kane: Yes, sir.

Mr. Carter: Will you describe the difference between a roundhouse hostler and a road hostler?

Mr. Kane: Well, a roundhouse hostler, as we have it, takes the engines to and from the roundhouse, that is, from the coal shed or wherever they are left, up to the roundhouse, and then takes them out again; and a road hostler, as we have them, takes the engines out on the main line, passenger engines down to the passenger station, or something of that sort.

Mr. Carter: Do you believe a hostler who is permitted to handle the engine on the main line, should be qualified as an engineer?

Mr. Kane: Yes, sir; we have to be, on the road where I am.

Mr. Carter: Your road is advanced, perhaps, further than some other roads in the "Safety First" movement?

Mr. Kane: It has always been that way ever since I have been there.

Mr. Carter: Do you know of accidents which have occurred because incompetent men handled engines as hostlers?

Mr. Kane: Yes, sir.

Mr. Carter: Do you know anything about the cost of meals and room rent and clothing, and such as that, and the increases thereof?

Mr. Kane: Yes, sir.

Mr. Carter: Briefly, tell us about it.

Mr. Kane: Meals have increased in the last three or four years, well, from about five to ten, and in some places fifteen cents a meal.

Mr. Carter: What about your room rent?

Mr. Kane: My room rent has increased.

Mr. Carter: What about your clothing?

Mr. Kane: Clothing has increased, especially gloves and overalls.

Mr. Carter: Have you a family?

Mr. Kane: No, sir.

Mr. Carter: What are your wages, say for the past year?

Mr. Kane: From July 1st, 1913, to July 1st of this year, it averaged $89 and some cents.

Mr. Carter: Do you know how much it averaged the year before that?

Mr. Kane: I will see (Referring to paper). $80.78.

Mr. Carter: Did you have to burn more coal during this last year on these larger engines, per dollar earned, than on the smaller engines?

Mr. Kane: Well, a little bit, I believe, yes.

Mr. Carter: Is it not a fact, that on the same type of locomotive, and in the same mechanical condition, that the increase in tractive power is a true index to the increase in coal that should be consumed in order to develop that tractive power?

Mr. Kane: Yes, sir.

Mr. Carter: We understand, of course, that some engines develop a higher tractive power from the same amount of coal consumed, than other engines, but when engines are of the same type, is not the increase in tractive power or weight on drivers approximately a true index to the amount of tonnage hauled and the amount of coal consumed?

Mr. Kane: Yes, sir.

CROSS EXAMINATION.

Mr. Sheean: You have always worked on this same division of the Milwaukee road?

Mr. Kane: I started here in the Chicago terminal and worked from January 7th to August 3rd, 1907, when I transferred to that division.

Mr. Sheean: And in August, 1907, you went out to that division as a fireman?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, the seniority rights on that division include branches, do they?

Mr. Kane: Yes, sir.

Mr. Sheean: And the lines as far as Mobridge?

Mr. Kane: Yes, sir; west of Aberdeen.

Mr. Sheean: West of Aberdeen?

Mr. Kane: Yes, sir.

Mr. Sheean: Did you have any opportunity to transfer to the new line, Mobridge, west?

Mr. Kane: That is when I transferred to where I am now?

Mr. Sheean: No; since then.

Mr. Kane: Since that time?

Mr. Sheean: Yes.

Mr. Kane: Yes, I had once, about four years ago.

Mr. Sheean: Has there been any change at all in the grade or alignment of this division during the time you speak of of the change of tonnage?

Mr. Kane: Why, a little bit; yes.

Mr. Sheean: Just about when were those changes made, and what were they?

Mr. Kane: Why, they changed, on the west end between Aberdeen and Mobridge, they changed about twelve or fourteen miles of track, cut down the grade considerable. I don't know the exact amount they cut down.

Mr. Sheean: Was that the ruling grade on that division?

Mr. Kane: Yes.

Mr. Sheean: And, following the reduction of that grade, a change in the tonnage rating was made over the division?

Mr. Kane: Yes, sir; they changed engines about that time, changed power.

Mr. Sheean: Changed from what to what, in engines?

Mr. Kane: They changed from the small 10-wheel engines to the Prairie type.

Mr. Sheean: What is the rate of pay on that 10-wheel engine?

Mr. Kane: Now?

Mr. Sheean: Yes.

Mr. Kane: $3.10 on freight.

Mr. Sheean: What is it?

Mr. Kane: $3.10 on freight.

Mr. Sheean: $3.10. Are there some of the small ten-wheelers there still?

Mr. Kane: Yes, sir.

Mr. Sheean: How many?

Mr. Kane: In branch line service. They have two in regular branch line service; one or two extra engines there besides those.

Mr. Sheean: About how long are these branches?

Mr. Kane: The branch north of Aberdeen, sixty-four miles. The branch from Roscoe to Linton is seventy-six miles. From Roscoe to Orient, forty miles.

Mr. Sheean: How many Prairie type engines were substituted there for the ten-wheelers?

Mr. Kane: Well, they had about ten, I believe.

Mr. Sheean: About when was that change made?

Mr. Kane: In the fall of 1909.

Mr. Sheean: Using the Prairie type?

Mr. Kane: No, not all; just on the west, between Aberdeen and Mobridge at that time.

Mr. Sheean: At that time?

Mr. Kane: Yes.

Mr. Sheean: Then, when were they put on the other part of the division, or did they ever put them on that part of the division?

Mr. Kane: Yes, they put them between Aberdeen and Mitchell, I think, the latter part of the next winter—no, about 1911, I believe they put them down there.

Mr. Sheean: 1911?

Mr. Kane: Yes.

Mr. Sheean: Then, have those been entirely replaced, the Prairie type, on that division?

Mr. Kane: All but one. We have one on way freight.

Mr. Sheean: Are there any Consolidations there now?

Mr. Kane: Not in road service. One in yard.

Mr. Sheean: One in yard?

Mr. Kane: Yes.

Mr. Sheean: And when were the Mikados put on?

Mr. Kane: Some time in the summer of 1912.

Mr. Sheean: How many?

Mr. Kane: I believe they put on—I cannot say the exact number, but I believe that fall they ran about nine.

Mr. Sheean: How many are there now?

Mr. Kane: They are running six regularly.

Mr. Sheean: Running six?

Mr. Kane: Yes.

Mr. Sheean: Are the six that are running there now the same weight on drivers as the nine that were put on in 1912?

Mr. Kane: Yes, sir, the same engine.

Mr. Sheean: The same engine?

Mr. Kane: Yes, sir.

Mr. Sheean: All superheated, are they?

Mr. Kane: Yes, sir.

Mr. Sheean: All the same type?

Mr. Kane: Yes, sir.

Mr. Sheean: When did this part of the Milwaukee Line become part of the Trans-Continental System?

Mr. Kane: Well, when the line was completed through to the Coast. I don't know the exact time.

Mr. Sheean: About when?

Mr. Kane: Why, I cannot say, maybe three or four years ago. I don't remember.

Mr. Sheean: Well, it was shortly after the completion of that line that the Mikado type of engine was put into operation there?

Mr. Kane: No, the Consolidated engines came about that time, or a little after that.

Mr. Sheean: And how long were the Consolidations used there?

Mr. Kane: Around about two years.

Mr. Sheean: The Consolidations were what weight on drivers about?

Mr. Kane: About 189,000 pounds.

Mr. Sheean: And the Mikados were about 215,000 or 216,000 along in there?

Mr. Kane: 216,500.

Mr. Sheean: The Consolidations were saturated, were they?

Mr. Kane: Yes, sir.

Mr. Sheean: And the Mikados are all superheaters?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, since the Mikados were put on, the nine of them put on in 1912, isn't it a fact that the hauling of materials for new construction on the west part of the line, has materially fallen off?

Mr. Kane: Why, to some extent, I believe it has, yes.

Mr. Sheean: Isn't it also true that the traffic there at the present time, when they are using the six Mikado engines instead of nine, that they used back in 1912, is about in the same proportion that the number of engines of those two periods bear to each other?

Mr. Kane: You mean the volume of business there?

Mr. Sheean: Yes.

Mr. Kane: Well, when the nine came there, it was during the fall, in the stock and grain rush. They remained only six or seven months. Then they cut them down to about six.

Mr. Sheean: There are considerable fluctuations in the traffic there at different times of the year?

Mr. Kane: We have the stock and grain in the fall and, the rest of the time, unless it is extremely cold weather in the winter, it is about normal.

Mr. Sheean: How long does this stock and grain movement continue ordinarily there?

Mr. Kane: Sometimes three months, sometimes four or five —about five months I guess it is.

Mr. Sheean: When was it that these twenty or thirty firemen were laid off on this division?

Mr. Kane: They have been laid off all this year, from time to time. Some of them would get back for a week or two, and then they would be laid off again.

Mr. Sheean: That is, they were dropped from the extra list?

Mr. Kane: Yes, sir, put on what we call the reserve list.

Mr. Sheean: On that reserve list, as you have it there on the Milwaukee, in case they are available, when neither regular men nor extra men are available, they get the run.

Mr. Kane: Yes, sir.

Mr. Sheean: And by keeping the company advised of their whereabouts, if they see fit to move from one part to the other of the country, so that they may be sent for if business does pick up, they do not lose their seniority rights?

Mr. Kane: They do not, if they are given a leave of absence before they go.

Mr. Sheean: The practice is to give them any leave of absence that they may want, if they go on the reserve list?

Mr. Kane: Yes, sir.

Mr. Sheean: And a letter written, if they are on the reserve list, giving them a reasonable time to get back, if they want the work?

Mr. Kane: Yes.

Mr. Sheean: That practice has obtained on the Milwaukee for a great many years?

Mr. Kane: It has for the last four or five years, yes.

Mr. Sheean: So far as this reserve list or extra board is concerned, the size of that board is fixed and regulated by the men?

Mr. Kane: Not entirely, no.

Mr. Sheean: The cutting of it, or reduction of it is regulated by the men, isn't it?

Mr. Kane: Yes, to some extent.

Mr. Sheean: To what extent?

Mr. Kane: If you want the extra list cut, the roundhouse foreman generally has as much to say about it as the men, and if he thinks they need more men than the men are asking for, he will leave them on there.

Mr. Sheean: But, in the first instance, the complaint, if there is a complaint, about the size of the Board, is because the men think the board is too large, isn't it?

Mr. Kane: Well, if you have got too many men on the extra list, no one can make a living there.

Mr. Sheean: The fact is, if any complaints are made by the men, the complaint is that the extra list is too large?

Mr. Kane: Why at times, yes.

Mr. Sheean: And any cut in the extra list is ordinarily upon the request of the men who are on that extra list?

Mr. Kane: Why, they don't always do it. The roundhouse force does it at times.

Mr. Sheean: But, generally, the practice is that the extra list is not cut unless the men request it?

Mr. Kane: Why, as a rule, yes.

Mr. Sheean: Then, when the list is cut at the request of the men, the youngest man on that list drops off into the so-called reserve list?

Mr. Kane: Yes, sir.

Mr. Sheean: There is nothing in the way of running first in and first out, if they are on the reserve list?

Mr. Kane: The oldest man on the reserve list gets the work if he is available.

Mr. Sheean: If he is available?

Mr. Kane: Yes, sir.

Mr. Sheean: Do you have any knowledge of the seniority on any of the other divisions, other than this division you are talking about?

Mr. Kane: No.

The Chairman: The witness will please speak, instead of shaking his head, because the stenographer cannot get that.

Mr. Kane: All right.

Mr. Sheean: Under the practice which is in vogue, by which seniority is limited to certain territory, it may be that the men upon a particular seniority district will serve as firemen a much longer time than firemen may serve on an adjoining district?

Mr. Kane: Why, to some extent, yes.

Mr. Sheean: That is, promotion may be much more rapid on one district than on another district?

Mr. Kane: Yes, sir.

Mr. Sheean: And yet the arrangement of seniority by districts is an arrangement that has been built up by mutual agreement with the men?

Mr. Kane: I presume so. It was in effect when I started to work.

Mr. Sheean: The fact of the length of time that it may take on one district before a fireman on that district will become an engineer, gives no index as to how long it may take on another district of that same railroad?

Mr. Kane: Well, it is about general, all over the system now, as far as I know.

Mr. Sheean: Have you any knowledge at all as to the conditions on any other district?

Mr. Kane: Well, on the connecting divisions there, where I am, there are men working from Montevideo to Aberdeen who have been there eight or nine years firing. Some men who have been six or seven years there are firing freight.

Mr. Sheean: Are firing freight?

Mr. Kane: Yes, sir.

Mr. Sheean: How long ago was it that you might have exercised your rights to transfer to the other part of this division than where you now work?

Mr. Kane: Do you mean to the new line?

Mr. Sheean: To the new line at Mobridge.

Mr. Kane: Oh, maybe 1909, maybe 1910. I can't say for a certainty whether I could have gone there or not, but that is just my opinion that I might have.

Mr. Sheean: On what run were you working this last year?

Mr. Kane: I have been on freight and passenger and switch engine and hostling.

Mr. Sheean: When you gave the average earnings from July to July, 1913 to 1914, at $89 per month, how many days did you lay off during that time?

Mr. Kane: I was off about twenty days; that is, laid off myself voluntarily.

Mr. Sheean: What passenger runs did you have at that time, or, did you run on?

Mr. Kane: I was on what we call the South run, Aberdeen to Mitchell.

Mr. Sheean: What is the distance there?

Mr. Kane: 129 miles.

Mr. Sheean: And on what train or trains did you run there?

Mr. Kane: Why, on both; 106 and 101 was the day run; and 104 and 103 is the night run. I was mostly on 104 and 101.

Mr. Sheean: What is the length of time on those runs?

Mr. Kane: Four hours and twenty-five minutes going down on 106; and four hours and fifty minutes coming up on 101.

Mr. Sheean: What do the runs pay the fireman per run?

Mr. Kane: That is, per round trip?

Mr. Sheean: Yes, take the round trip, if you have that in mind.

Mr. Kane: $3.81, or 82 cents.

Mr. Sheean: A round trip?

Mr. Kane: No, $6.82. $3.41 one way.

Mr. Sheean: $3.41 one way?

Mr. Kane: Yes, sir.

Mr. Sheean: $6.82 for the round trip?

Mr. Kane: Yes, sir.

Mr. Sheean: Is the actual running time four hours and twenty-five minutes one way, for which you were paid $3.41?

Mr. Kane: Yes, sir.

Mr. Sheean: And the running time in the opposite direction is four hours and fifty minutes?

Mr. Kane: Yes, sir.

Mr. Sheean: What other runs were you on during this time?

Mr. Kane: Well, I was on the west end run a few trips, just got it extra. I wasn't holding it regularly. And I was on the north—

Mr. Sheean: Just let me know what that trip is, between what points?

Mr. Kane: Aberdeen and Mobridge.

Mr. Sheean: What is the distance?

Mr. Kane: 98 miles.

Mr. Sheean: What is the time?

Mr. Kane: Well, fifteen is two hours and thirty-seven minutes.

Mr. Sheean: Two hours and thirty-seven minutes?

Mr. Kane: Yes. Seventeen is two hours and forty-eight minutes, I believe.

Mr. Sheean: What were you paid for that run?

Mr. Kane: $3.10.

Mr. Sheean: Let's see, the $3.10 is the 100 miles or less, 10 hours or less?

Mr. Kane: Yes, sir.

Mr. Sheean: The actual miles there is 98, and the running time, in one case, two hours and thirty-seven minutes, and in the other two hours and forty-eight minutes?

Mr. Kane: Yes, and then we catch the local, too; that is, three hours and fifty minutes both ways.

Mr. Sheean: The local is three hours and fifty minutes?

Mr. Kane: Yes, sir.

Mr. Sheean: And, on that run made in three hours and fifty minutes, the pay is also $3.10?

Mr. Kane: Yes, sir, that is, if they have that same class of engine.

Mr. Sheean: What other runs have you been on there during the last year?

Mr. Kane: I was on the L-2 Mikado freight engines, Aberdeen to Mobridge.

Mr. Sheean: That was in through freight service there?

Mr. Kane: Yes, sir.

Mr. Sheean: The time between those terminals would vary, I suppose, on different trips?

Mr. Kane: Yes, sir.

Mr. Sheean: Within about what limits?

Mr. Kane: Well, I was on there last fall, it was during the stock movement.

Mr. Sheean: What is it?

Mr. Kane: During the stock movement.

Mr. Sheean: During the stock movement?

Mr. Kane: Yes, sir. The trains are gotten over the road a whole lot quicker and better during that time, than they are other times.

Mr. Sheean: About what time would it ordinarily take on the stock run there?

Mr. Kane: About four hours coming east.

Mr. Sheean: Four hours?

Mr. Kane: Yes, sir.

Mr. Sheean: Then you would go back light, would you?

Mr. Kane: Not always.

Mr. Sheean: Well, sometimes?

Mr. Kane: I was on there about two and a half or nearly three months, and I think we went back light about twice.

Mr. Sheean: Going back about what time would it take you? Did you have mostly empties going back?

Mr. Kane: Not always.

Mr. Sheean: About what would the time be going back?

Mr. Kane: The average time going west would be, I should think, between seven and ten hours.

Mr. Sheean: Now, on the east bound trip, made in about four hours, what was the pay on that?

Mr. Kane: Three dollars and seventy-five cents.

Mr. Sheean: That also is the 100 miles or less, 10 hours or less?

Mr. Kane: Yes, sir.

Mr. Sheean: On that particular run the hours would be four, and the miles would be ninety-eight?

Mr. Kane: Yes, sir.

Mr. Sheean: What other runs have you had there during the last year?

Mr. Kane: Why, I have been on a switch engine a little bit, not very much. I have been despatching, that is, hostling.

Mr. Sheean: And at what point were you hostler?

Mr. Kane: Aberdeen.

Mr. Sheean: Aberdeen?

Mr. Kane: Yes, sir.

Mr. Sheean: How many hostlers or despatchers were there at Aberdeen?

Mr. Kane: At that time there were three.

Mr. Shean: What is that?

Mr. Kane: At that time there were three, nights, and there were engine handlers on, days.

Mr. Shean: Just tell us what the engine handlers did, what the difference between an engine despatcher and an engine handler on the Milwaukee is?

Mr. Kane: Well, an engine despatcher is one taken from the ranks of the enginemen, an engineer or fireman; and an engine handler is one who has worked up through the shop.

Mr. Sheean: At Aberdeen, the practice there was, and is now, to provide engine handlers who have worked up through

the shop ranks, and who move the engine around, spotting at the coal chute or any other work around, in and about the shops?

Mr. Kane: Yes, sir.

Mr. Sheean: So that the mere fact that an employe may move an engine under steam, does not classify him as an engine despatcher on the Milwaukee road?

Mr. Kane: Well, the men, as I said, taken from the ranks of the enginemen, are classed as engine despatchers.

Mr. Sheean: And certain other men, who may do just the same work, practically, but who have come up through the shop forces, are classed as engine handlers?

Mr. Kane: Engine handlers.

Mr. Sheean: And there is no real difference in the work that they do at Aberdeen?

Mr. Kane: There is more required of an engine despatcher than there is of an engine handler.

Mr. Sheean: What is required of the engine despatcher that is not done by the engine handler?

Mr. Kane: They are held more responsible than engine handlers; it has been the case there.

Mr. Sheean: Well, the engine despatcher does everything that the engine handler does, and then something in addition to that?

Mr. Kane: Practically.

Mr. Sheean: I would just like to know what, in addition to the work that the engine handler does, the engine despatcher performs?

Mr. Kane: Well, an engine despatcher looks after the work better and more thoroughly than an engine handler does; he looks to see that supplies are put on engines and coal and water and everything on engines. You come down there to go out at different times, and during the daytime, an engine handler takes the engine out, and if you have not got a full tank of coal, or all supplies, he will tell you to go and get it; and the engine despatcher will, nine times out of ten, have those things for you.

Mr. Sheean: Some of these engine handlers, I don't know about Aberdeen, but at some points, also knock fires and fire up engines?

Mr. Kane: No, sir; they do not.

Mr. Sheean: They do not at Aberdeen?

Mr. Kane: Not to my knowledge.

Mr. Sheean: Do the engine handlers at Aberdeen have anything to do with the filling of grease cups?

Mr. Kane: No, sir.

Mr. Sheean: Or putting any of the supplies on the engine?

Mr. Kane: They do not do it.

Mr. Sheean: Some other person is provided for that?

Mr. Kane: Well, if you can get an engine handler to do it, they do; but you don't very often get them to do it. The men generally have to get it themselves.

Mr. Sheean: How many of the engine handlers are there maintained at Aberdeen?

Mr. Kane: There are three, days, and three, nights, I believe.

Mr. Sheean: And in the nighttime there are also three despatchers?

Mr. Kane: No, sir, not now.

Mr. Sheean: Well, there were when you worked there?

Mr. Kane: Yes, sir.

Mr. Sheean: And no despatchers in the daytime?

Mr. Kane: No, sir.

Mr. Sheean: During the daytime, the engine handlers did everything that was done in the matter of moving engines from one point to another, in the neighborhood of the roundhouse?

Mr. Kane: Yes, sir.

Mr. Sheean: In speaking of the failure of superheated engines to steam properly, or to work properly, in case of leaks; it is the fact, is it not, that defects in the superheater can be better detected when the engine is hot than when the engine is cold?

Mr. Kane: Yes.

Mr. Sheean: And it is the rule upon the Milwaukee that the engineer shall report all defects and needs of repairs at the end of every trip, is it not?

Mr. Kane: He does; yes, sir.

Mr. Sheean: It is a fact that any leaks in superheater arrangements can better be detected by the one operating the engine under steam, than could be detected by an inspection, while the engine is cold, in the roundhouse?

Mr. Kane: Well, not always, no. If they give them what

they call the water test in the roundhouse, you could find out better.

Mr. Sheean: Which is that, a test specially devised for that purpose?

Mr. Kane: Yes, sir.

Mr. Sheean: And taking about how long?

Mr. Kane: Oh, I don't know the exact time.

Mr. Sheean: Well, it is a special test for that purpose, a water test?

Mr. Kane: Well, they could make it any time when they wash out the boiler, I should think.

Mr. Sheean: About how often are the boilers washed out?

Mr. Kane: They are washed out every trip.

Mr. Sheean: Every trip?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, it is the practice upon the Milwaukee, is it not, that any defect which develops on an engine on the road, shall be reported by the engineer at the completion of his trip?

Mr. Kane: Yes, sir.

Mr. Sheean: And, upon going out with his engine, the inspection which has been described, is to ascertain whether or not defects which have been reported, have, in fact, been made?

Mr. Kane. Yes, sir.

Mr. Sheean: That practice has obtained there all the time, has it not, that you have worked there?

Mr. Kane: Yes, sir.

Mr. Sheean: The engineer reporting repairs that he wanted or thought necessary?

Mr. Kane: Yes, sir.

Mr. Sheean: And by inspecting his engine before he goes out to see whether the repairs requested have been made?

Mr. Kane: Yes, sir.

Mr. Sheean: Do I understand, Mr. Kane, that you would prefer firing on one of these Mikado engines with the superheater arrangement taken off than to fire on it with the superheater remaining there?

Mr. Kane: Well, I never fired that class of engine without the superheater; I don't know how they would be.

Mr. Sheean: You have never had any opportunity of com-

paring an engine of the same weight on drivers, superheated, with one without the superheater attachment?

Mr. Kane: Not those engines, no, sir.

Mr. Sheean: Well, any engine of the same weight and same tractive power?

Mr. Kane: Well, the passenger engines are about the same weight on drivers, but I never fired the other engine enough to make any comparison between the two.

Mr. Sheean: Your criticism as to the class of a superheater, was with a leaky superheater, was it not?

Mr. Kane: Mostly.

Mr. Sheean: And a leaky superheater is a most inefficient and uneconomical machine for the company to operate, isn't it?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, a leaky superheater destroys the very purpose of attaching a superheating arrangement, doesn't it?

Mr. Kane: To a great extent it does.

Mr. Sheean: And one of the principal objects?

Mr. Kane: To a great extent it does.

Mr. Sheean: It is a part of the duty of the engineer to report the leaks in the superheating arrangement, isn't it?

Mr. Kane: He cannot always ascertain what the leaks are and where they are.

Mr. Sheean: If there is a leak in a superheater, even though it be unlocated, it is his duty to make report of the fact that it is leaking, is it not?

Mr. Kane: Yes, sir.

Mr. Sheean: It is also his duty, before he goes out again, to make an inspection to ascertain whether or not the repairs requested by him have been made?

Mr. Kane: Yes, sir.

Mr. Sheean: In addition to the twenty days that you said you laid off voluntarily, while you were on this passenger run you have described here, I wish you would give us a fair sample of what time you would have between runs, while remaining on duty the full time. Take this run made in four hours and twenty-five minutes, in one direction, and four hours and fifty minutes in the other, and give us the itinerary of one of those round trips.

Mr. Kane: Well, leaving Aberdeen at 6 o'clock in the morning, and getting to Mitchell at 10:25.

Mr. Sheean: Six in the morning?

Mr. Kane: Yes, sir. Leaving there at 3:10.

Mr. Sheean: At what time?

Mr. Kane: Three ten.

Mr. Sheean: That afternoon?

Mr. Kane: Yes. Back to Aberdeen at 8 o'clock the same night.

Mr. Sheean: At 8 o'clock?

Mr. Kane: Yes, sir.

Mr. Sheean: That is, today. Now, when do you go to work next?

Mr. Kane: Sunday. Lay in a day.

Mr. Sheean: Then, you start out at 6 o'clock Friday morning and are back again at 8 o'clock Friday night?

Mr. Kane: Yes, sir.

Mr. Sheean: And count that as two days, so that you would not work at all, Saturday.

Mr. Kane: Yes, sir.

Mr. Sheean: And, in the computation of the days that you did not work, you have counted Saturday as one of the working days, in this average that you have spoken of?

Mr. Kane: Yes, sir.

Mr. Sheean: The twenty days are the only ones, where, in addition to this routine, you laid off a period, voluntarily?

Mr. Kane: Those twenty days were days I could have worked.

Mr. Sheean: Twenty days that you could have worked?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, you would repeat that on Sunday, the same trip?

Mr. Kane: Yes, sir.

Mr. Sheean: Leaving at 6 in the morning and getting back home at 8 o'clock that same evening?

Mr. Kane: Yes, sir.

Mr. Sheean: And counting that as two days?

Mr. Kane: Yes, sir.

Mr. Sheean: Being paid for the firing on each of these trips, $6.82?

Mr. Kane: Yes, sir.

Mr. Sheean: Upon arrival at Mitchell, at 10:25 in the morning, you were not required to report again for work with your engine until a half or three quarters of an hour before its leaving time, at 3 o'clock?

Mr. Kane: Why, in order to have everything ready, you would want to be there about 45 minutes before the time you were called to leave.

Mr. Sheean: On the days you worked, leaving there at 6 o'clock this morning, and getting to Mitchell at 10:25, you would be relieved say twenty minutes after arrival, is that a fair time, at 10:45?

Mr. Kane: If you are there right on time and you get to the roundhouse right away, why, about 10:45 or 10:50.

Mr. Sheean: And from 10:45 or 10:50, as to what you did at Mitchell was entirely at your own discretion, so long as you reported again at the roundhouse at a quarter past two, we will say, due to leave at three?

Mr. Kane: Until they called me to come back, yes.

Mr. Sheean: Your leaving time was 3 o'clock to come back?

Mr. Kane: 3:10.

Mr. Sheean: And 45 minutes is a good, liberal estimate on coming back on that passenger run, isn't it?

Mr. Kane: Yes.

Mr. Sheean: So that on the days on which you were earning the two days' pay, your work, after arrival at Mitchell, would be completed at 10:45 and again resumed at a quarter after two, due to leave at 3?

Mr. Kane: Yes.

Mr. Sheean: Now, what is the rate of pay on any one of these runs—take any one which is under both the 100 miles and under the 10 hours, what was the rate of pay on this 10-wheel engine at the time you ran the 10-wheel engine there?

Mr. Kane: That is, when we had the 10-wheel engine?

Mr. Sheean: Yes.

Mr. Kane: On passenger?

Mr. Sheean: Well, give us both freight and passenger.

Mr. Kane: It was $2.80 on both, at that time.

Mr. Sheean: $2.80?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, on this same 98 miles, you make it about as fast now as you did then, don't you, or a little faster?

Mr. Kane: Well, they have got new runs on there now that make it faster than they did then, but the runs that are on there now that were on there then, are about the same time.

Mr. Sheean: On the fast run, now, with the larger engine, because of the rate on the heavier passenger engine, what would you get on this same run made in less than ten hours and less than 100 miles?

Mr. Kane: $3.10.

Mr. Sheean: The $3.10 passenger run, as compared with $2.80 that you got when the smaller power was used there?

Mr. Kane: Yes, sir.

Mr. Sheean: Now, what would you get on the larger freight, on the same run for which you formerly got $2.80, when you used the small engines in the freight service?

Mr. Kane: For that same class of engine?

Mr. Sheean: No, on the big engine you are using now.

Mr. Kane: We get $3.75.

Mr. Sheean: And the $3.75 is over the same territory, the same distance, for which the $2.80 was paid, when you used the smaller engine?

Mr. Kane: Yes, sir.

Mr. Sheean: On some of these runs the time, now, is actually shorter than it was when the smaller engines were being used, isn't it?

Mr. Kane: Passenger runs?

Mr. Sheean: Passenger runs are shorter?

Mr. Kane: Yes, sir.

Mr. Sheean: Well, what about getting stock over there now?

Mr. Kane: The stock has been the same, four hours, ever since I have been there.

Mr. Sheean: Any kind of power that you may use there, the run is a good run if you make it in four hours?

Mr. Kane: If you make it in less than four hours they do not ask you to explain any delay.

Mr. Sheean: The heavier type of engine that is used there now makes this speed?

Mr. Kane: Yes, sir.

Mr. Sheean: On the stock trains?

Mr. Kane: Yes, sir.

Mr. Sheean: And on this local run that you spoke of, how much are they paid on the local freight, if, instead of a through freight, you make this run on a local?

Mr. Kane: Why, they get $3.50 on the local freight, with the class of engine that they have got there now.

Mr. Sheean: And that class of engine is a class of engine which took what rate under the old arrangement, or, did you have that class of engine there on the local before?

Mr. Kane: Why, that class of engine has been on local freight about four years, I believe.

Mr. Sheean: And what did it displace?

Mr. Kane: It displaced a 10-wheel engine, small engine.

Mr. Sheean: When the 10-wheel engine was used in local freight, what was the rate of pay for this run?

Mr. Kane: $2.90.

Mr. Sheean: $2.90?

Mr. Kane: Yes, sir.

Mr. Sheean: The time of that local train over the division is just the same now as it was then?

Mr. Kane: About the same.

Mr. Sheean: A little bit shorter, if anything, isn't it?

Mr. Kane: I cannot recall just what the time was when they had the small engine there.

Mr. Sheean: About how often does this accumulation of scales that Mr. Carter has referred to, take place?

Mr. Kane: Well, I could not give you any certain time. It is sometimes oftener than others. It depends upon conditions.

Mr. Sheean: What kind of water have you out there on that division?

Mr. Kane: We have got artesian water except at Mobridge. River water at Mobridge.

Mr. Sheean: Pretty good water for steaming purposes?

Mr. Kane: It is good water at Mobridge, but the rest of it is not.

Mr. Sheean: What is it?

Mr. Kane: It is good water at Mobridge, but the rest of it is not.

Mr. Sheean: Good water at Mobridge?

Mr. Kane: That is all.

Mr. Sheean: The matter of getting rid of the accumulation of scales runs into a matter of months, doesn't it, and, sometimes, even years?

Mr. Kane: Well, probably months.

Mr. Sheean: In the statement of your having laid off twenty days, does that mean twenty round trips, or just the twenty actual calendar days?

Mr. Kane: Twenty dates.

Mr. Sheean: So, if that layoff caused you to miss a round trip in the service in which you were assigned there, you would count the number of actual days you were off until you returned to work?

Mr. Kane: When I counted the twenty days it was the days that I laid off, by the actual days. I was off more than that on account of the engine I was on, the run I was on, the engine being held in for repairs and going out before my rest was up, or something of that kind, and I lost a lot of time on account of being Local Chairman out there. I did not count that in the twenty days. It might have been ten days more. All through that was lost through not being able to catch the engine that followed in.

Mr. Sheean: Well, in striking your monthly average, you included all of these days, both when you were laying off on your own accord and laying off because of committee work, and that brought down the average for the month to the extent that those were not counted in the twenty days?

Mr. Kane: Counting those days, I was off on committee work, maybe it would make it a little more. Maybe it would average one or two days a month more.

Mr. Sheean: Do you use any compound at all up there to prevent the accumulation of scale?

Mr. Kane: Why, they use some at Mitchell, soda ash. We do not use it at Aberdeen or Mobridge.

Mr. Sheean: You cannot give us any estimate as to about how long it takes before a cleaning out of the scales is necessary there?

Mr. Kane: No, I could not.

Mr. Sheean: I think that is all.

Mr. Park: How long do you run your flues in this hard water district?

Mr. Kane: Well, they run them as long as the engine is out, as a rule.

Mr. Park: Between general overhaulings?

Mr. Kane: Well, sometimes, and sometimes it is less than that time.

Mr. Park: Then, you run them about eighteen months or two years?

Mr. Kane: Not always.

Mr. Park: The flues are not taken out except when the engine is given a general overhauling?

Mr. Kane: Well, at times they are taken out there at Aberdeen.

Mr. Park: You stated, in answer to a question by Mr. Carter, that scale on the flues interfered with the draft of the engine. How does that occur?

Mr. Kane: Why, it helps to close up the end of the flue; close up the hole there.

Mr. Park: The scale is on the outside of the flue, is it not?

Mr. Kane: On both sides.

Mr. Park: It accumulates on the fire side as well as on the water side?

Mr. Kane: Yes, sir. It is rather a honeycomb, we call it, on the outside.

Mr. Park: Is that a pitting of the flue?

Mr. Kane: It is, on the outside, but on the inside it is more like a rust, or something like that, only it is heavier.

Mr. Park: Is this scale you describe a lime scale? Do they rattle it off in a machine when they clean the flues?

Mr. Kane. That is on the inside, yes.

Mr. Park: They remove it from the inside of the flues in that way?

Mr. Kane: I mean inside of the boiler; it will be on the outside of the flue, but inside of the boiler.

Mr. Park: Do you know how many miles the Milwaukee get out of their engines to a failure, approximately?

Mr. Kane: No, I cannot say.

Mr. Park: Have you had experience on other roads?

Mr. Kane: Why, I have watched an engine, yes.

Mr. Park: Do you think the Milwaukee maintain their power equally as well as other roads do in that vicinity?

Mr. Kane: Well, the place where I was they only had one engine there, and I don't know about the general run.

Mr. Park: You don't know that from twenty-five thousand to fifty thousand miles is obtained from locomotives between failures, as a general average?

Mr. Kane: No, I couldn't state as to that.

Mr. Park: That is all, Mr. Chairman.

RE-DIRECT EXAMINATION.

Mr. Carter: Mr. Kane, about how much time is consumed from the time you are called to go on one of these runs, passenger runs, of four hours and fifty minutes, or whatever the run is, before your train leaves?

Mr. Kane: That is, how long am I on duty?

Mr. Carter: How much of your time is required from the time you leave your home?

Mr. Kane: Well, we are called an hour and a half before leaving time, we require all that time to get ready to go.

Mr. Carter: About how much time before you are actually relieved from the engine, is it, after you reach the terminal?

Mr. Kane: Well, it depends on the run. If you can get right to the roundhouse, get in there at 10:25, why you would be off at 10:45 or 10:50.

Mr. Carter: Then, if the passenger run was four hours and fifty minutes on the time card, it would be about six hours and fifty minutes from the time the company called you until you were relieved, is that true?

Mr. Kane: It would be a little over that, from the time they called me.

Mr. Carter: I am only speaking approximately.

Mr. Kane: Oh, yes.

Mr. Carter: Do you find that it is more difficult, or, rather, harder work, more coal to shovel in a given time, on a passenger run, ordinarily?

Mr. Kane: Why, certainly.

Mr. Carter: About how much coal do you shovel in an hour on this train that goes over the road, in I forget how long a time?

Mr. Kane: Well, I have shoveled as high as ten tons.

Mr. Carter: In what length of time?

Mr. Kane: Four hours and fifty minutes.

Mr. Carter: Which would you rather do, if it was your duty to go from A to B every day, a distance of one mile, which would you rather do, run that mile or walk that mile?

Mr. Kane: I would rather walk it, get there quicker—or, run it, I should say.

Mr. Carter: You would rather run a mile than walk a mile?

Mr. Kane: Yes, sir.

Mr. Carter: I wouldn't. In regard to these tubes, you say the scale is on the inside of the boiler?

Mr. Kane: Yes, sir, to a great extent.

Mr. Carter: Now, is it honeycomb, or such stuff as that, that you are talking about, that chokes up the flue, and has to be bored out?

Mr. Kane: Honeycomb around the flue sheet, around there, yes. The scale takes up the heating surface on the inside.

Mr. Carter: According to your testimony here, you are yet on the mileage basis, even in freight service, is that not true? That is, you make your runs at a speed of more than ten miles an hour?

Mr. Kane: Why, they do between Aberdeen and Mobridge, yes.

Mr. Carter: From the information you were giving out I thought they did, all the time, everywhere.

Mr. Kane: Well, I understood it was just on that run I was answering you.

Mr. Carter: Do you mean to say that on other divisions they do not go over the road as fast, is that right?

Mr. Kane: Not always, no, sir.

Mr. Carter: Now, you take a division where you get over the road quite fast in freight service; you are now paid on a mileage basis, are you not?

Mr. Kane: Yes, sir.

Mr. Carter: Do you believe if the tonnage is now increased on those locomotives, like you have heard about on other railroads, it would take a longer time to get over the road?

Mr. Kane: I believe it would, yes, sir.

Mr. Carter: Don't you know that it would? Do you think

that you can get over the road as fast with a full train as you can with half a train?

Mr. Kane: No, sir.

Mr. Carter: Then, if the Chicago, Milwaukee & St. Paul Railway, on this division, begins to load their trains down, as you heard described elsewhere, how long do you think it would take you to get over the division?

Mr. Kane: Well, it would take one to three or four hours longer than it does now.

Mr. Carter: Then, apparently, you are yet on the mileage basis and are drawing the comparatively high rate of pay; is not that true?

Mr. Kane: Yes, sir.

Mr. Carter: And, whenever that railroad sees fit to do what other railroads have done, and load these engines to their highest capacity, so that there is a drag in place of a race, then won't your wages be on the hourly basis?

Mr. Kane: Yes, sir.

Mr. Carter: Will not that be equivalent to a reduction of your wages?

Mr. Kane: Yes, sir.

Mr. Carter: You were asked why you did not go west with the new track. If you had left your present division, where you have about seven years and four months seniority, and had gone west to take your chances with the men, you would have had to begin there in the west as a new man, would you not?

Mr. Kane: Yes, sir.

Mr. Carter: Did you not lose your seniority once, by transferring from Chicago?

Mr. Kane: I did.

Mr. Carter: You felt the effect of losing that seniority, did you not?

Mr. Kane: Yes, sir.

Mr. Carter: It is rather a gamble about transferring from one division to another, is it not?

Mr. Kane: Yes, sir.

Mr. Carter: No man can tell what will happen?

Mr. Kane: No, he can not.

Mr. Carter: In regard to this work that is reported by

engineers, is all work that is reported by engineers, always done?

Mr. Kane: No, not always.

Mr. Carter: In regard to this passenger service, that is no doubt a preferable job, how many months did you get these preferred passenger runs, all told, since you have been there?

Mr. Kane: About nine, maybe ten months.

Mr. Carter: Out of seven years and four months?

Mr. Kane: Yes, sir.

Mr. Carter: Is that about the proportion of the time you would get these high paid runs?

Mr. Kane: Yes, sir.

Mr. Carter: I am interested in this engine handler. I have heard hostlers called by many names, but this is the first time I have ever heard him called an engine handler. Tell me what this engine handler does?

Mr. Kane: He handles engines around the roundhouse.

Mr. Carter: Does he do a hostler's work—or do you know what the hostler's work is? You are from a road where they have despatchers?

Mr. Kane: Yes, sir.

Mr. Carter: Does he not take locomotives and move them?

Mr. Kane: Yes, sir.

Mr. Carter: And have charge of them?

Mr. Kane: Yes, sir.

Mr. Carter: Does he put them across the turn table?

Mr. Kane: Yes, sir.

Mr. Carter: Does he take them out to the coal chute?

Mr. Kane: Yes, sir.

Mr. Carter: Does he take them out to the sand house?

Mr. Kane: Yes, sir.

Mr. Carter: Does he take them where they get water?

Mr. Kane: Where it is inside of the yard.

Mr. Carter: Inside of the yard?

Mr. Kane: Yes, sir.

Mr. Carter: Now, is not this engine handler actually a hostler?

Mr. Kane: Why, he is, yes.

Mr. Carter: What difference is there between him and a hostler, except his name and his pay?

Mr. Kane: No difference.

Mr. Carter: Now, we know the difference between his name; now tell us the difference between his pay.

Mr. Kane: Well, I don't know for sure what he gets, but I have heard it was two dollars a day.

Mr. Carter: And what does the engine despatcher get?

Mr. Kane: $3.30.

Mr. Carter: Then all you have to do to change the rate of wages from $3.30 to $2.00, is to change the name from despatcher to engine handler; is that right?

Mr. Kane: Well, the despatchers are taken from the ranks of the enginemen, men of experience.

Mr. Carter: Where do these engine handlers come from?

Mr. Kane: Anywhere, I guess.

Mr. Carter: Do you know of any accidents occasioned by the use of these engine handlers?

Mr. Kane: Yes, sir.

Mr. Carter: Tell me one or two.

Mr. Kane: I know of one case where an engine despatcher got fifteen days for a collision caused by an engine handler.

Mr. Carter: Tell us how it happened?

Mr. Kane: The engine despatcher was down at the coal shed at midnight, at the time the switch engines were turned in for coal and water, and for lunch, and he was starting up from the coal shed to the sand, where they put the sand on, and at about that time, an engine handler up here started down to the coal shed with another one, and they met about half way.

Mr. Carter: It did not hurt anybody?

Mr. Kane: No, it did not hurt anybody but it damaged both engines.

Mr. Carter: But they penalized the engine despatcher, did they?

Mr. Kane: They gave him fifteen days.

Mr. Carter: For what, for letting the engine handler run into him?

Mr. Kane: Yes, sir.

Mr. Carter: He ought to have got out of the engine handler's way, ought he not?

Mr. Kane: Yes, sir.

Mr. Carter: A pretty safe thing to do, is it not?

Mr. Kane: It is, there.

Mr. Carter: Do you know of anything else? Did you ever know of engine despatchers finding water low in boilers?

Mr. Kane: Yes, sir.

Mr. Carter: Do you consider that if a so-called engine handler, at two dollars per day, through his incompetency, lets water get low in a boiler, that it is dangerous to the men who have to operate that engine later on?

Mr. Kane: Yes, sir.

Mr. Carter: That is all.

RE-CROSS EXAMINATION.

Mr. Sheean: When did this occurrence in the yards take place, in which the engine despatcher was penalized?

Mr. Kane: It was in March, 1911, I believe.

Mr. Sheean: In March, 1911?

Mr. Kane: About that time.

Mr. Sheean: Do you remember the name of the engine despatcher who was penalized?

Mr. Kane: M. P. Sammons.

Mr. Sheean: You do not intend to be understood as suggesting, by any response you may have given to Mr. Carter's questions, that the company ought to run half trains there, in order that wages might be kept up?

Mr. Kane: No.

Mr. Sheean: You concur in the idea that full trains should be operated wherever you can get them and the business furnishes them?

Mr. Kane: Why, it is done, they do it.

Mr. Sheean: You are not objecting to the practice of the company having the engines haul the amount that they were built to haul, if they can get that tonnage to haul?

Mr. Kane: Not if they pay the men for handling them, no, sir.

Mr. Sheean: And at the present time they are paying on this increased engine $3.75 where, on the smaller engine they paid $2.80, less than ten years ago?

Mr. Kane: Yes, sir; and hauling about twice as many cars, twice the tonnage.

Mr. Sheean: Is it not a fact that if a crown sheet in an

engine is scorched on account of low water, that this at once causes leakage?

Mr. Kane: Not always.

Mr. Sheean: You have known of a case, have you, of a scorched crown sheet, that did not leak at the time it was scorched?

Mr. Kane: Well, I don't know of any particular case.

Mr. Sheean: You do not know of any case of that sort. Now, tell us when it was, in your observation, that an engine was turned over at Aberdeen, or elsewhere, with less water in it than was proper.

Mr. Kane: I have known it, when I came down there to go to work, and I have found an engine, while there would be water in there, in the bottom gauge cock, but that is all, and they would expect you to get on and go out with it.

Mr. Sheean: Can you give us any date?

Mr. Kane: Some time in September of this year, I cannot give the exact date.

Mr. Sheean: I do not believe I understood you. The company expects you to go out with an engine where the water shows, in the gauge cock, to be low?

Mr. Kane: I mean they expect you to take the responsibility of the engine there.

Mr. Sheean: They expect you, if the gauge cock shows the water not to be there, not to go out until there is water there?

Mr. Kane: I said it showed that there was just water in the bottom gauge cock.

Mr. Sheean: Then you said they expected you to take out an engine where the gauge cock showed there was no water?

Mr. Kane: No, sir, I did not.

Mr. Sheean: You did not intend that to be a requirement of the company?

Mr. Kane: No, I said there was just barely water there.

Mr. Sheean: What is the gauge cock for?

Mr. Kane: To ascertain the water level in the boiler.

Mr. Sheean: And the engineer, in this instance you speak of, is supposed to look at the gauge cocks always, is he not?

Mr. Kane: Yes, sir.

Mr. Sheean: How much water is there on the crown sheet when the water shows at the bottom of the gauge cock?

Mr. Kane: It varies in different boilers. You might say from two to four inches.

Mr. Sheean: Then, can you tell us any particular instance, or case, of the water not being on the crown sheet, or covering the crown sheet, from your observation at Aberdeen?

Mr. Kane: I know where a man fired up in the roundhouse there, under the direction of the engine handler, fired up an engine without any water in it.

Mr. Sheean: And that was turned over to the road crew to operate with, without repairs to the crown sheet?

Mr. Kane: No, sir, they could not get the engine out of the house; it was burned so bad there, there was no water in it at all.

Mr. Sheean: Well, do you know of any instance in which a crown sheet was burned or scorched, which did not immediately show the leakage?

Mr. Kane: I cannot recall any particular case now.

Mr. Sheean: Mr. Carter asked you about the time that you were called at your home before any of these passenger runs. Is there any requirement as to how long before the departure of your train you shall report at the roundhouse?

Mr. Kane: Our rules say we are to be on the train, ready to depart, at the time when called for, that is, the departure of the train.

Mr. Sheean: And you are called to depart at a certain specified hour?

Mr. Kane: Yes, sir.

Mr. Sheean: The matter of the calling is a matter of local arrangement at different parts of the system, is it not?

Mr. Kane: An hour and a half; you are given an hour and a half of call.

Mr. Sheean: Is it your thought that an engineer should stand over the fire builders to see that they do not build fires at a time when there is not water in the boiler?

Mr. Kane: You cannot do that.

Mr. Sheean: The occurrence that you spoke of here was a case of fire builders putting a fire under the engine when there was not water in the boiler, was it?

Mr. Kane: Yes, sir.

Mr. Sheean: Do you know of any practice of any railroad

company where the engineers stand by and see that fire builders do not build fires at an improper time?

Mr. Kane: I said they cannot do that; they cannot be there all the time.

Mr. Sheean: There is not any such practice anywhere, so far as you know?

Mr. Kane: No.

Mr. Sheean: This matter of this burned crown sheet, the one crown sheet that you know of, would not be changed or affected in any way by turning over the jurisdiction of hostlers to firemen or engineers, would it?

Mr. Kane: It would, if they had a competent hostler there, to see that the men looked after the water, before they put a fire in the boiler.

Mr. Sheean: Is it your understanding that it is the practice, or would be the practice, that hostlers would stand around to see that the fire builders only built their fires at the proper time?

Mr. Kane: They would see that they had done their work all right. This same man that fired up this engine fired up at least one more in the same condition.

Mr. Sheean: Well, do the hostlers or do the engine despatchers, these ex-engineers, supervise the fire builders?

Mr. Kane: They are told a good many times by the foreman to tell certain fire builders to go and fire up certain engines at different times.

Mr. Sheean: To go and fire up a certain engine?

Mr. Kane: No, to have those engines fired up, when the foreman is too busy and cannot do it himself.

Mr. Sheean: Whom do you mean by the foreman?

Mr. Kane: A roundhouse foreman.

Mr. Sheean: The building of fires is ordinarily under the supervision of the roundhouse foreman, is it not?

Mr. Kane: Well, it is all under the supervision of the roundhouse foreman there.

Mr. Sheean: Have you ever known a case where either the engineers or firemen supervised the building of fires?

Mr. Kane: Why, no.

Mr. Sheean: Or the engine despatchers?

Mr. Kane: Yes, the engine despatcher; I have known the

engine despatcher there, to have been in there and watched them and see that they did the work.

Mr. Sheean: Watch them building the fire?

Mr. Kane: Yes, sir.

Mr. Sheean: Do your hostlers up there at Aberdeen inspect the engines in the roundhouse as to the amount of water that is put in, or does the roundhouse foreman do that?

Mr. Kane: At what time?

Mr. Sheean: At any time.

Mr. Kane: When they are coming in or going out?

Mr. Sheean: Going out.

Mr. Kane: Why, the hostlers do that.

Mr. Sheean: What does his inspection consist of?

Mr. Kane: Why, examine and see how much water there is in the boiler.

Mr. Sheean: In what way?

Mr. Kane: By looking at the water cocks and at the gauge cocks.

Mr. Sheean: The same thing that the engineer would look at?

Mr. Kane: Yes, sir.

Mr. Sheean: Before the engine is turned out of the roundhouse what does the roundhouse foreman do with reference to the water?

Mr. Kane: Why, his hostler takes the engine out.

Mr. Sheean: I know the hostler takes the engine out, but does the hostler take the engine out before the roundhouse foreman tells him it is in condition to take out?

Mr. Kane: No, they mark them up on the board in there, and the roundhouse foreman marks them O-K, and then the hostler takes them out.

Mr. Sheean: That is the practice at Aberdeen, that the roundhouse foreman is the one who O-K's an engine as being ready to leave the roundhouse?

Mr. Kane: He O-K's them as far as the work is concerned, that is the repair work.

Mr. Sheean: Does he have general charge of the roundhouse where the fires are built?

Mr. Kane: Yes, sir.

Mr. Sheean: And the engine despatchers there do not

ordinarily remain in the engine house while that part of the work is being done?

Mr. Kane: Why, if they have something else to do, they are out doing that.

Mr. Sheean: That is all.

The Chairman: You may stand aside. Call your next witness.

HUGH M. JONES was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name.

Mr. Jones: Hugh M. Jones; Great Falls, Montana.

Mr. Carter: What is your present occupation?

Mr. Jones: Locomotive fireman.

Mr. Carter: When did you enter the service of the Great Northern Railroad?

Mr. Jones: February 4th, 1911.

Mr. Carter: That gives you about—

Mr. Jones: Three years and ten months.

Mr. Carter: Of seniority as a fireman?

Mr. Jones: Yes, sir.

Mr. Carter: Do you know anything about larger engines coming to your district?

Mr. Jones: Yes, sir.

Mr. Carter: Tell us something about it.

Mr. Jones: They had some Mallets there in 1911 when I went to work. They got about ten more about the spring of 1912. They also made superheaters out of some saturated steam engines, and now we have some new Mikado superheater type engines.

Mr. Carter: What was the effect of the bringing of larger engines there?

Mr. Jones: Well, it increased the tonnage materially. They handle about 25 per cent more tonnage.

Mr. Carter: The same number of men are handling about 25 per cent more tonnage?

Mr. Jones: Yes, sir.

Mr. Carter: You spoke about some engines being installed with superheaters?

Mr. Jones: Yes, sir.

Mr. Carter: Did they leave the same tonnage rating on those engines, or did they increase the tonnage rating of those engines, when they put the superheaters on?

Mr. Jones: They haul 25 per cent more tonnage.

Mr. Carter: When they haul 25 per cent more tonnage, do they burn as much coal as they ever did?

Mr. Jones: Just about the same.

Mr. Carter: What was the effect of this increased tonnage on your seniority, or your promotion?

Mr. Jones: It has decreased it, to some extent.

Mr. Carter: How many firemen are there there older than you now?

Mr. Jones: 84.

Mr. Carter: How many were older than you before this increased tonnage?

Mr. Jones: Well, I was 28 on the list, about January of this year.

Mr. Carter: 28?

Mr. Jones: Yes.

Mr. Carter: And you are now 84?

Mr. Jones: Yes, sir.

Mr. Carter: That is, perhaps, attributable also to a decrease in traffic, is that not true?

Mr. Jones: Yes, sir, particularly on the mountain divisions where we handle ore.

Mr. Carter: Where you handle copper and such as that, that has fallen off?

Mr. Jones: Yes.

Mr. Carter: But you notice that there has been at least 25 per cent increase in tonnage, which has affected the number of firemen employed in like manner?

Mr. Jones: Yes, sir, six engines handle the business where eight did on the districts west.

Mr. Carter: Do you think this increased tonnage is delaying your chances to ever be promoted?

Mr. Jones: Yes, sir, to some extent.

Mr. Carter: The burden, then, of the increased tonnage

has largely fallen upon the firemen, so far as their promotion is concerned, has it not?

Mr. Jones: Yes, sir.

Mr. Carter: How many firemen are now out of employment on your seniority district?

Mr. Jones: There were 70, I believe, moved since the 12th of January, about 70.

Mr. Carter: What became of that 70?

Mr. Jones: They are scattered all over. There are a few of them around Great Falls yet, some of them working and some not working.

Mr. Carter: What work did they get, did the company furnish them work?

Mr. Jones: To some extent, where they could make room for them. The others are working around town, some of them; some of them are out of work altogether.

Mr. Carter: Those that are out of work, I suppose, are badly in need?

Mr. Jones: I couldn't say as to that.

Mr. Carter: Might be begging or something of that kind?

Mr. Jones: I don't know of any cases of that kind. I know of some of them going back home.

Mr. Carter: Do you believe a man could get along in this world without work?

Mr. Jones: Not very long, no, sir.

Mr. Carter: Then if he hasn't work, do you think he is in very prosperous circumstances?

Mr. Jones: No, sir.

Mr. Carter: How about these men who did get work?

Mr. Jones: Some of them are better off than when they were firing.

Mr. Carter: How do you mean?

Mr. Jones: They get $3 to $3.50 for eight hours work.

Mr. Carter: Suppose they work over eight hours, what do they get?

Mr. Jones: Time and a half.

Mr. Carter: Where is this?

Mr. Jones: Great Falls, Montana.

Mr. Carter: They evidently left the railroad business?

Mr. Jones: I expect so, some of them.

Mr. Carter: This increased tonnage, has it affected your labors in the way of coal consumed?

Mr. Jones: Yes, sir, it has.

Mr. Carter: About how much coal will you consume between two given points? Now, tell us the distance and so forth.

Mr. Jones: Well, we have eleven districts on the Butte Division, six of which are known as full or long districts. The other five are turn-around districts. On the district where I work most of the time, on through freight, east bound, we use about 25 tons of coal, on the average.

Mr. Carter: How long will it take you to burn that 25 tons of coal?

Mr. Jones: About fourteen hours. Of course, we have lighter trips, we have trips where we go through on stock trains in five or six hours.

Mr. Carter: How much coal do you burn then?

Mr. Jones: About 12 to 15 or 16 tons.

Mr. Carter: Supposing on the Great Northern Road they did what they do on the Milwaukee road apparently, from the testimony of the last witness, didn't have any heavy tonnage trains and always got over the road quickly, as you say you do with the light trains, would it not be in effect a higher wage for the firemen?

Mr. Jones: Yes, sir.

Mr. Carter: Then the transition from the average tonnage and the mileage rate to the heavy tonnage and the hourly rate is an actual reduction in wages or the earning power of a locomotive fireman, is that not true?

Mr. Jones: Yes, sir.

Mr. Carter: Do you think that through freight rates should be paid in helper service?

Mr. Jones: Yes, sir.

Mr. Carter: Why?

Mr. Jones: Because we are doing practically the same work as a man is out on the road. We are running over the main road, more or less, sometimes backing up and sometimes going ahead.

Mr. Carter: When you cut off from a train to go back and help the next train up the hill, you are light, are you not, going back?

Mr. Jones: Yes, sir, sometimes.

Mr. Carter: Do you have a conductor and trainman with you when you are going back?

Mr. Jones: No, sir.

Mr. Carter: What does the fireman do after you cut loose from a train after helping one train up the mountain, and start coming back down the mountain?

Mr. Jones: He has to handle the switches.

Mr. Carter: He is the brakeman, is he not?

Mr. Jones: Yes, sir.

Mr. Carter: Then a fireman in helper service is not only a fireman, but a brakeman, too, is that true?

Mr. Jones: Yes, sir, to some extent.

Mr. Carter: Do you believe that through freight rates should be paid in mine run work, or do you know anything about mine run work?

Mr. Jones: I know very little about it.

Mr. Carter: Do you know anything about work trains?

Mr. Jones: Yes, sir.

Mr. Carter: Is work train work hard work, too?

Mr. Jones: Yes, sir.

Mr. Carter: Do you believe that through freight rates should be paid on work train work?

Mr. Jones: I do.

Mr. Carter: Why?

Mr. Jones: Because of the longer hours we are compelled to put in. I was on work train four months this summer.

Mr. Carter: You earned big money when you were on the work train, didn't you?

Mr. Jones: Yes, sir.

Mr. Carter: How many months did you work on that train?

Mr. Jones: I was there from the 20th of April to the month of August lacking about twelve or thirteen days in June when I was sick, and was taken to the hospital, supposedly a case of typhoid fever.

Mr. Carter: Let us see what made you sick? About how much money did you make on that work train?

Mr. Jones: Between $150 and $160 a month, working thirty or forty days.

Mr. Carter: About how many hours did you put in each day?

Mr. Jones: An average of about 15 hours and 45 minutes.

Mr. Carter: By working 15 hours and 45 minutes every day, did you do that?

Mr. Jones: Yes, sir.

Mr. Carter: Sundays?

Mr. Jones: Yes.

Mr. Carter: By working every day you made this money?

Mr. Jones: Yes, sir.

Mr. Carter: What did you do after you got through with making this money?

Mr. Jones: I was sick.

Mr. Carter: How long?

Mr. Jones: I was sick two months in June, and then I was sick again in August. I didn't go to work until the latter part of September, took leave of absence.

Mr. Carter: Did you attribute this illness to the excessively hard labor through which you passed in doing this train work sixteen hours a day for thirty-one days?

Mr. Jones: Partially so, because I put in long hours, and sometimes we didn't get our meals regularly; had to eat when we could get a chance to, and didn't always have good water to drink.

Mr. Carter: Do you know anything about wreck train service?

Mr. Jones: Not a great deal, no, sir.

Mr. Carter: You have been in mountain service, have you not?

Mr. Jones: A little, yes.

Mr. Carter: Do you think on grades of 1.8 per cent or over a higher rate should be paid?

Mr. Jones: Yes, sir.

Mr. Carter: Will you explain that?

Mr. Jones: Yes, sir, it takes a good deal more coal to go up those hills with those heavy trains.

Mr. Carter: Aside from the coal, is it not a fact that when grades become a greater percentage than 1.8 per cent, they take on the factor of danger?

Mr. Jones: Yes, sir, take it through the mountains you are nearly always working on curves and cuts and you have the

chance of runaways coming down the hills, or of the trains having trouble with the air sticking.

Mr. Carter: When you go up the hill, is yours very hard work?

Mr. Jones: Yes, sir.

Mr. Carter: When you come down the hill there is the very great danger, is there not?

Mr. Jones: Yes, sir.

Mr. Carter: Runaways generally occur coming down the hill?

Mr. Jones: Yes, sir.

Mr. Carter: Do you know anything about being held away from home terminal?

Mr. Jones: Well, I know our general average is about 22 hours on the 4th and 5th districts. My own average last month was 26 hours.

Mr. Carter: Now, let me see, where is your home terminal?

Mr. Jones: Great Falls.

Mr. Carter: Where is this other terminal?

Mr. Jones: Judith Gap.

Mr. Carter: Judith Gap?

Mr. Jones: Yes, sir.

Mr. Carter: How far is that?

Mr. Jones: 121 miles.

Mr. Carter: Now, let us make a trip. You go from Great Falls to Judith Gap?

Mr. Jones: Yes, sir.

Mr. Carter: How long did you say is the average lying there?

Mr. Jones: On the through run it is about fourteen hours.

Mr. Carter: On the through freight run?

Mr. Jones: Yes, sir.

Mr. Carter: What was this other time you were talking about?

Mr. Jones: When there is a special, fruit train.

Mr. Carter: I am not talking about the trip, but about held away from home terminal.

Mr. Jones: Oh, you would go to Judith Gap and generally lay there on an average of about 22 hours.

Mr. Carter: Then come back?

Mr. Jones: Sometimes. Sometimes they run us over the fourth district, up to Billings.

Mr. Carter: Up to Billings?

Mr. Jones: Yes. Then we are liable to be away from home for a week.

Mr. Carter: Well, who pays the expenses while you are away from home?

Mr. Jones: I do.

Mr. Carter: Tell me now about what would your expenses be from Great Falls to Judith Gap, and laying over the usual length of time, and back.

Mr. Jones: You generally eat three meals at Judith Gap, at not less than 35 cents, which is the cheapest, $1.05, and 50 cents for a bed, is $1.55, besides your two lunches.

Mr. Carter: En route?

Mr. Jones: Yes, sir.

Mr. Carter: What would they be?

Mr. Jones: About 35 cents apiece.

Mr. Carter: That would be about $2.25 expense money?

Mr. Jones: Yes, sir.

Mr. Carter: That is taken out of the earnings?

Mr. Jones: Yes, sir.

Mr. Carter: Not only these expenses are incurred, but isn't there a loss of earning power when you tie up at away from home terminals?

Mr. Jones: Yes, sir.

Mr. Carter: You heard the testimony here, that the firemen are held responsible, and so forth—you are about like they are, usually, I suppose.

Mr. Jones: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Jones, where was this work train service—was it construction work this summer?

Mr. Jones: No, sir, it was at what is known as Portage Pit, sixteen miles east of Great Falls.

Mr. Sheean: How far from Great Falls?

Mr. Jones: Sixteen miles.

Mr. Sheean: Just give us one of those day's work that the fireman did there, when he was on duty this length of time?

Mr. Jones: He got up at 5:50 A. M., supposed to get to work at 6:30, and we spotted cars in what is known as Portage gravel pit—well, it ran from 1 per cent to as high as 5 or 6 per cent, some of the grades were so steep that you could not get in there with an engine and you had to use cables to pull the cars out, loaded with gravel.

Mr. Sheean: You went to work at 5:50, did you say?

Mr. Jones: No, got up about 5:50, and went to work at 6:30.

Mr. Sheean: At 6:30?

Mr. Jones: Yes, sir.

Mr. Sheean: Where was your engine, out at the gravel pit?

Mr. Jones: Yes, sir.

Mr. Sheean: Was there a camp out there?

Mr. Jones: Yes, sir.

Mr. Sheean: For the men doing this construction work?

Mr. Jones: Yes, sir. About a quarter of a mile or a little over a quarter of a mile from where we tied up at night.

Mr. Sheean: Then you got up about the same time as the men working on that construction work got up, and you all went to work at 6:30?

Mr. Jones: No, sir, they didn't. They went to work at 7 o'clock. We were compelled to go to work at 6:30, switching in the cars and supplies.

Mr. Sheean: You went to work half an hour earlier than the men on the construction work?

Mr. Jones: Yes.

Mr. Sheean: And during that half hour, before they came to work, you spotted the cars in the pit?

Mr. Jones: Yes, did the switching or whatever was necessary.

Mr. Sheean: Then, when the gang came on at 7 o'clock, after you had the cars spotted, what did you do?

Mr. Jones: Generally assisted in arranging and spotting the cars; sometimes take as many as four or five cars and pull them out there, at the time, pulling them out around the "Y" and putting them on a sort of lead and storing them until we got enough for a train.

Mr. Sheean: Stored them on the lead?

Mr. Jones: Yes, sir.

Mr. Sheean: You would take them out about four cars at a time?

Mr. Jones: From one to four, depending on the grade.

Mr. Sheean: And the steam shovel was working?

Mr. Jones: Yes, sir.

Mr. Sheean: When they were loaded, you pulled them out until you had a train?

Mr. Jones: Yes, sir.

Mr. Sheean: A train of about how many cars?

Mr. Jones: Sixteen to twenty, occasionally as high as twenty-four.

Mr. Sheean: With the twenty-four cars, then, what was done?

Mr. Jones: Go down to the main line again, about two miles, and haul them down to a station known as Volcour, and put them on the spur. You see the cars would be ahead of the engine leaving the pit; your engine was headed to the north of the pit, and you would be going backwards, and the cars would be ahead of the engine going down that 3 per cent grade to the main line, and you would have to push them in on a side track at a station known as Goodale.

Mr. Sheean: Then, when you put them on the siding there, what was done?

Mr. Jones: Cut off and run around and get hold of the front end, and go on up to Volcour and put them on the spur track; the only way you could get them in there was to cut around with the engine; to take them down to Volcour you had to push them on a siding, a spur there.

Mr. Sheean: Then what was done?

Mr. Jones: Cut off and go down and get water at the next station, known as Rainbow, where there was a water tank.

Mr. Sheean: How long would that take you, to go to the water tank?

Mr. Jones: Probably forty-five minutes to an hour?

Mr. Sheean: And then when you came back to Volcour?

Mr. Jones: Get a string of empties and go back to the gravel pit again.

Mr. Sheean: In the meantime, the gang had been loading?

Mr. Jones: Yes, sir.

Mr. Sheean: And take a string of empties back, and repeat the process?

Mr. Jones: Yes, sir, had to get the empties ahead of you again, and run around them both ways.

Mr. Sheean: About how much coal would you shovel a day in that work train service?

Mr. Jones: Around six to ten tons.

Mr. Sheean: From six to ten tons?

Mr. Jones: Yes. If you made three trips you would shovel nine to ten tons; if you make two trips, about six tons.

Mr. Sheean: I suppose this work train was bid in by you in the exercise of your seniority rights?

Mr. Jones: Yes, sir, it was. I was one of the oldest freight firemen at the time.

Mr. Sheean: By the way, you say you were twenty-eighth on the list in January, 1914?

Mr. Jones: About that, yes sir.

Mr. Sheean: What time was it in 1911 that you went to work for the Great Northern?

Mr. Jones: February 4th.

Mr. Sheean: February 4th, 1911?

Mr. Jones: Yes, sir.

Mr. Sheean: And what was your place on the list, how many men were ahead of you at the time you went to work?

Mr. Jones: About eighty.

Mr. Sheean: About eighty?

Mr. Jones: Something like that. I am not certain about it.

Mr. Sheean: Approximately?

Mr. Jones: Seventy to eighty.

Mr. Sheean: Then, a year after you went to work, about how high up on the list had you gone?

Mr. Jones: I was in the neighborhood of sixty something, I should judge.

Mr. Sheean: About sixtieth?

Mr. Jones: Yes.

Mr. Sheean: And about a year after that?

Mr. Jones: I went up about twenty numbers, I think.

Mr. Sheean: About twenty numbers?

Mr. Jones: Yes.

Mr. Sheean: So that, from the time you went to work in 1911, the progression of going up about twenty a year continued down to about January 1st?

Mr. Jones: Pretty close to that. They built three new branches in that time.

Mr. Sheean: And part of the promotion or working up in seniority, at twenty a year, was due to the fact that new lines were being built by the Great Northern?

Mr. Jones: Yes, sir.

Mr. Sheean: Now, the dropping off from twenty-eighth has all occurred since January, 1914?

Mr. Jones: Yes, sir.

Mr. Sheean: Has the drop been gradual through all of that time, or has the greater part of it been in the last few months?

Mr. Jones: No, there has been a good deal of it in the last few months, since the ore dropped off, of course that had something to do with it, on the Second and Third Districts.

Mr. Sheean: When was that dropping off in ore?

Mr. Jones: About August or September.

Mr. Sheean: August or September last?

Mr. Jones: Yes, sir. I was not at work at the time.

Mr. Sheean: What is it?

Mr. Jones: I wasn't at work at the time they stopped.

Mr. Sheean: I suppose, with the dropping off in this ore traffic, that the extra boards were cut?

Mr. Jones: Yes, sir.

Mr. Sheean: That was done at the request of the men?

Mr. Jones: Supposedly so, yes, sir. They have a say, as a rule.

Mr. Sheean: When you went to work in 1911, they had all of the types of engines on this division which they now have?

Mr. Jones: No, sir.

Mr. Sheean: Not all?

Mr. Jones: No, sir. The large Mallets and the Mikado superheaters they did not have.

Mr. Sheean: But they had Mallets?

Mr. Jones: On the mountain, about eight or ten of them.

Mr. Sheean: Eight or ten?

Mr. Jones: Yes, sir.

Mr. Sheean: How many Mallets have they now on your division?

Mr. Jones: In the neighborhood of twenty. They are not working any of them now, unless it is extra, at Butte, probably two or three, on transfer.

Mr. Sheean: When did they cease operating any of the Mallets?

Mr. Jones: In August or September, when the ore dropped off.

Mr. Sheean: So, at the present time when this biggest cut in the men came, the biggest type of engine was cut out?

Mr. Jones: No, sir. We have a bigger engine now.

Mr. Sheean: What is it?

Mr. Jones: The Mikado superheater. That hauls more than the Mallet.

Mr. Sheean: What is the weight on drivers of the Mallet?

Mr. Jones: The small ones 250,000 pounds on drivers, the next, 316,000 pounds; the next is 425,000, but we have none of those on our division at the present.

Mr. Sheean: How many of the 316,000 pounds have you?

Mr. Jones: Only two.

Mr. Sheean: How many of the 250,000 pounds have you?

Mr. Jones: In the neighborhood of twenty, I cannot give you the exact number.

Mr. Sheean: Of that weight on drivers, there were six on your division when you went to work there?

Mr. Jones: Probably eight, I think, on the mountain.

Mr. Sheean: Then, they are now working fewer Mallets on your division than they were at the time you went to work there, in 1911?

Mr. Jones: Right at the present moment.

Mr. Sheean: Well, they have been since August last?

Mr. Jones: Yes, sir.

Mr. Sheean: How many of those large Mikados have they?

Mr. Jones: I think four working at the present time.

Mr. Sheean: How many have they on the division—what is the highest number they have ever had of them?

Mr. Jones: I don't know. They may not have had any more than that at any time. I am not sure about that.

Mr. Sheean: What is the weight on drivers of the Mikados?

Mr. Jones: 220,000.

Mr. Sheean: 220,000 pounds?

Mr. Jones: Yes, sir.

Mr. Sheean: So that the weight on drivers of the Mikado is less than the weight on the drivers of any of the Mallets there?

Mr. Jones: Yes, sir, but the tractive power is greater.

Mr. Sheean: The tractive power is greater?

Mr. Jones: Yes, sir.

Mr. Sheean: Are these Mikados superheated?

Mr. Jones: Yes, sir.

Mr. Sheean: And have they all brick arches?

Mr. Jones: No, sir, they have no arches.

Mr. Sheean: None of them have arches?

Mr. Jones: No, sir.

Mr. Sheean: Are there any of them equipped with sloping tank or hopper, so as to bring the coal to the fireman?

Mr. Jones: I believe there are.

Mr. Sheean: All are, or have you worked on them?

Mr. Jones: Yes, sir, I have worked on them, but I just made one trip.

Mr. Sheean: Only one trip?

Mr. Jones: Yes, sir. They have only been there a short time.

Mr. Sheean: When were they put on there?

Mr. Jones: I don't know; along about September or October, somewhere in there. They used some of the Consolidation type superheaters there on locals for a few trips.

Mr. Sheean: Have those Mikados come in there since the cutting of the board, and the dropping off of the men?

Mr. Jones: The board had been cut at least once or twice.

Mr. Sheean: The board had been cut once or twice before any of the Mikados came there?

Mr. Jones: Yes, sir.

Mr. Sheean: And had been cut once or twice and the Mallets discontinued?

Mr. Jones: They have been cut twice, I believe, since the Mallets have been discontinued.

Mr. Sheean: Since the discontinuing of the Mallets, there have been two reductions in the board, at the request of the men?

Mr. Jones: Yes, sir.

Mr. Sheean: It was after these reductions of the men, that the four Mikados were put on that division?

Mr. Jones: Yes, sir.

Mr. Sheean: In this away-from-home-terminal proposition, has there been any change in that respect within the last two or three years?

Mr. Jones: No, I cannot say that there has, it has been just about the same.

Mr. Sheean: The traffic on this division which you work is a variable traffic, is it; seasonable, to some extent?

Mr. Jones: To some extent; still not a great deal. It is just about the same, year in and year out.

Mr. Sheean: Well, at different times in the year, what about the fluctuations in the traffic from the mines?

Mr. Jones: Well, we have no mines to any extent on the districts where I have worked. The copper mines are on the Second and Third districts. On those districts the traffic has been just about the same. The smelter works all the year around, and you have got to have copper there. They used to use eight engines on the Second district, but it was generally the same, about, all the year around, and when they put the larger engines on it reduced it to six, on that one district.

Mr. Sheean: This dropping off there is due to the general closing down of the copper production in August last?

Mr. Jones: The general depression of business, yes, sir.

Mr. Sheean: And particularly with copper?

Mr. Jones: Yes, sir.

Mr. Sheean: That is felt there with you?

Mr. Jones: Yes, sir, on those two districts alone. The other districts are not affected by that, except insofar as it gives the men that much less room to work on.

Mr. Sheean: Does this layover of twenty-six hours that you spoke of in one case there—is that a normal condition of affairs?

Mr. Jones: Generally, on the through freight runs, where you are assigned, one train a day each way, and three crews assigned to it.

Mr. Sheean: One train a day each way?

Mr. Jones: Yes, sir, on each district, and three crews assigned to protect those two runs.

Mr. Sheean: So that that brings about having the two crews in at the terminal?

Mr. Jones: Yes, sir.

Mr. Sheean: At the one time?

Mr. Jones: Yes, sir.

Mr. Sheean: And it is a fact, isn't it, that those two runs, one in each direction, could not be protected by simply having two crews look after the two runs, and rely on them, all the year around?

Mr. Jones: They could run them in chain gang, first in and first out.

Mr. Sheean: Do not these three crews run first in and first out.

Mr. Jones: These three crews run first in and first out on these two particular runs?

Mr. Sheean: That is those two runs, a train a day in each direction, are assigned to the three crews?

Mr. Jones: Yes, sir.

Mr. Sheean: And those three crews run first in and first out?

Mr. Jones: Yes, sir, on that run.

Mr. Sheean: Taking care of those two runs?

Mr. Jones: Yes, sir.

Mr. Sheean: It is a fact, is it not, that two crews could not take care of those two runs, day in and day out?

Mr. Jones: There have been times when they could not, because you have got to put in your long hours. In fact, at one time last year, the schedule would conflict and you could not get in on one a long enough time to get out on the other. Then the hours you put in on the road would not give you time enough to get your rest up.

Mr. Sheean: The matter of whether the three crews shall be assigned to those two trains a day, or whether those two regularly assigned trains shall be thrown into the pool, has that been taken up by your local board?

Mr. Jones: I understand they are taking it up now.

Mr. Sheean: The fact of the matter is that any situation of the sort, as to whether three crews shall handle two runs or

whether they shall be thrown into the pool, generally is negotiated or taken up between the management and the men?

Mr. Jones: Yes, sir.

Mr. Sheean: And the matter of rearranging them, if you think that there ought to be any rearrangement, is not under discussion there?

Mr. Jones: Yes, sir. I understood so when I left.

Mr. Sheean: So that this long lay-over that you speak of there, is largely due, you think, to this one situation of three crews handling two assigned runs?

Mr. Jones: Yes, sir, on our particular district. On other districts there are runs where they could be arranged differently. The hours in Cut Bank, on the Sixth district, and Billings, on the Fourth district, are just about the same as on this district. I have worked on both districts and have had to lay over twenty-seven and twenty-eight hours, in the last two months.

Mr. Sheean: The fact about laying away from home terminal, on any particular run, whether it be this one you have in mind or others, is usually handled by negotiations between the employes affected and the management, as to just what will best suit the men, in view of the best adjustment that they can make, in view of the conditions there?

Mr. Jones: On those assigned runs. You have runs off of our district that we would have to go anywhere, and we are liable to stay there, until they get ready to send us out.

Mr. Sheean: The matter of assigned districts and seniority is all negotiated by the men with the management of the road, isn't it?

Mr. Jones: They have what the other roads call a pool, in which there are tramp engines. You can get into that pool and take your turn first in and first out, just the way you could there, but you get long lay-overs on those, just about the same as you do on these other runs. I took a tramp engine in preference to a through freight run.

Mr. Sheean: Well, Mr. Jones, it is too complicated for me, as to the detail of any particular way of handling a pool at any particular point.

Mr. Jones: Yes, sir.

Mr. Sheean: And all that I wanted to get was, whether or not it is the fact that just how the business shall be handled and

the crews themselves adapted to the business as it comes is negotiated between the men and the management.

Mr. Jones: Yes.

Mr. Sheean: In the effort to accommodate the men, in so far as the necessities of the business at the different points will enable the management to do so.

Mr. Jones: Yes, sir.

Mr. Sheean: And that is the general spirit in which all of these problems are approached?

Mr. Jones: Yes, sir; we are trying to get the thing straightened up at the present time.

Mr. Sheean: And the management co-operates with you in trying to make the adjustment in any way they can that will meet with the necessities of the business and will best suit you?

Mr. Jones: I think so.

Mr. Sheean: Now, in this matter of being held away from home terminals, Mr. Jones, do you think there ought to be any difference in the compensation of the men who are held away beyond a certain length of time simply because that one man came in on a Mallet engine and another on an engine of smaller power?

Mr. Jones: There should, to this extent, that when they run men off of their assigned district and keep them away from home for a week, it increases their expense, especially so where beds are fifty cents to one dollar, more than where the country is more settled.

Mr. Sheean: I am afraid you do not understand me. In case two men are held away from their home terminal the same length of time, and both are unreasonably held away—we will assume that case—where under some rule they were required after a certain length of time to pay the men, do you think the amount paid those men should be dependent on the weight on drivers of the engines they happened to come in on?

Mr. Jones: I do.

Mr. Sheean: So that the man who was lucky enough to come in on a Mallet, while he was away from the home terminal, would draw more money than a man who happened to come in on an engine with less weight on drivers?

Mr. Jones: Yes. If they were not holding him away from home these excessive hours that he was getting his rest, he would

be earning that money on the Mallet and would be entitled to the extra mileage.

Mr. Sheean: You think the man on the Mallet has a preferred run, then, do you?

Mr. Jones: No, sir.

Mr. Sheean: Then, when he is not working and is held away from his home terminal, why do you say he ought to be paid a higher rate per hour or per day when he is held away than a man who has a lighter engine?

Mr. Jones: Because his work is harder, there is more to it.

Mr. Sheean: But I am assuming neither of them work, and the pay covers the time they are held away from home terminal.

Mr. Jones: If he was not held away these excessive hours, he would be earning the money on that Mallet.

Mr. Sheean: Are the Mallets pooled separately from the other engines?

Mr. Jones: Yes, sir.

Mr. Sheean: There is a separate pool on the Mallets?

Mr. Jones: As a rule, a separate run. They use them on the two districts between Great Falls and Butte, in particular. The Mallets, I would not say they are pooled, but still they are not assigned; the extra men always have to fire the Mallets; the regular men will not take them, as a rule, except on a turn-around mountain run; they will not take them on the regular districts.

Mr. Sheean: It is customary for firemen to exercise their seniority rights when a work train or construction work is open?

Mr. Jones: Yes, sir.

Mr. Sheean: These men that you say have gotten other employment since the cutting of the board at Great Falls, and are earning $3 and $3.50 a day, what are they doing?

Mr. Jones: One is working on the streets, for the City now, the Park and Boulevard Department, and gets $3 for eight hours. The other one is hoisting brick for a building contractor and getting $3.50 for eight hours and time and a half for overtime.

Mr. Sheean: How long has he had that work?

Mr. Jones: Probably six weeks.

Mr. Sheean: And any assurance as to the length of time it will continue?

Mr. Jones: No, sir.

Mr. Sheean: Or is it just on one job?

Mr. Jones: It depends on the amount of contracts this contractor has. There is a great deal of building going on in our country.

Mr. Sheean: There is a great deal of building?

Mr. Jones: Yes, sir.

Mr. Sheean: Are the smelters there working now?

Mr. Jones: No, sir.

Mr. Sheean: So that a great many of the men who formerly worked in the smelters are also idle?

Mr. Jones: Yes, sir.

Mr. Sheean: Just where did you work with a helper?

Mr. Jones: At Armington.

Mr. Sheean: What was the helper service there?

Mr. Jones: Helping up a one per cent grade; that is between Great Falls and Judith Gap, for seventeen miles.

Mr. Sheean: Seventeen miles?

Mr. Jones: Yes, sir.

Mr. Sheean: How many helpers were maintained there?

Mr. Jones: One, day, and one, night.

Mr. Sheean: Worked in twelve hour shifts?

Mr. Sheean: Worked in twelve hour shifts?

Mr. Jones: Yes, sir; generally. Sometimes—I believe at present it is a call job; they work one crew for the sixteen hours and then don't use anybody until they want a crew, and then take another crew for sixteen hours. I think that is the way they are working it now, making it a call job.

Mr. Sheean: About how many miles would that helper make a day?

Mr. Jones: About 104 or 105, something like that—it is 102 miles.

Mr. Sheean: They go up the 17 miles, helping the train up—

Mr. Jones: Three runs, generally.

Mr. Sheean: And drift back?

Mr. Jones: Yes, sir.

Mr. Sheean: And repeat that?

Mr. Jones: Well, when a batch of trains come along the next morning. Most of the work is on the night shift.

Mr. Sheean: They make three round trips, practically?

Mr. Jones: That is what they do ordinarily; I was only on there three days.

Mr. Sheean: Between those trips what does the helper crew do?

Mr. Jones: Well, they have to go about two miles to get coal and water.

Mr. Sheean: You did your own coaling and your own watering?

Mr. Jones: Yes.

Mr. Sheean: And the remainder of the time they are waiting for another train?

Mr. Jones: You don't have very much time to wait.

Mr. Sheean: How long would it take to make any of these round trips of seventeen miles?

Mr. Jones: In the neighborhood of four hours, unless you have an exceptionally light train. With a light train you can go up there probably in an hour and ten minutes, and it will take you forty-five minutes to come back, and if you meet any trains, you have to go in the hole until you get by them.

Mr. Sheean: What type of engine?

Mr. Jones: Consolidation type, there. There has been a Mallet out there a number of times, but they have a Consolidation there now, 180,000 pounds on drivers.

Mr. Sheean: And how long has the Consolidation been there?

Mr. Jones: Since some time in the fall, August or September. They have used Mallets there at two or three different times, but only for a short period at a time, and then they used the Consolidation type superheater there for quite a little time, the 1,138; I don't know just how long it was there. It was there a year ago this spring, I know.

Mr. Sheean: Consuming about the same amount of coal, I think you said a superheater would handle about 25 per cent more tonnage?

Mr. Jones: Yes, sir.

Mr. Sheean: The addition of the superheat attachment to engines not previously equipped did not increase the consumption of coal?

Mr. Jones: No, sir; I cannot say it increased it. I think

they used just about the same amount of coal with the 25 per cent extra tonnage.

Mr. Sheean: Using about the same amount of coal, without changing the weight on drivers at all, that same engine was able to haul about 25 per cent more tonnage?

Mr. Jones: Yes, sir.

Mr. Sheean: That is all.

Mr. Carter: Do you know what the switch engine rate is in Butte, now?

Mr. Jones: $2.75 and $3.

Mr. Carter: Why is the rate higher there, do you know?

Mr. Jones: On account of the hill service. The hill service gets $3.

Mr. Carter: Is it not a fact that in the Butte yard there is very little level track?

Mr. Jones: There is practically no level track, not a quarter of a mile anywhere in the city limits of Butte, anywhere that I know of.

Mr. Carter: And the Great Northern has recognized, even in switching service, that it is more dangerous and worth more money, is not that true?

Mr. Jones: Yes, sir.

Mr. Carter: You said a while ago these tanks had sloping pits, and so forth. Do you know that to be true?

Mr. Jones: They are said to have it. I have never seen them used on the Mikado engine. The Consolidations don't have. Some Mallets have and some do not.

Mr. Carter: Then you got in the same habit I did; when Mr. Sheean asked a question you said yes, because you did not think he would make a mistake; is that right?

Mr. Jones: I was not sure of it, because I have never seen them work.

Mr. Carter: But you said yes.

Mr. Jones: I have been told that they were there.

Mr. Carter: In regard to these superheaters, you just said that with the same weight on drivers the tonnage had increased 25 per cent?

Mr. Jones: Yes.

Mr. Carter: This proposition, made by the Engineers and Firemen, is on a basis of weight on drivers, supposedly being a

reflection of the proportionate tractive power. Then, if we have based our request on weight on drivers for superheated engines, do not the railroads get 25 per cent the best of our proposition?

Mr. Jones: Yes, sir; on these Consolidation type superheater engines they do.

Mr. Carter: Don't you think that they should be satisfied with that, instead of objecting to it?

Mr. Jones: Yes, sir.

Mr. Carter: If we went really to drawbar pull, at a speed say of fifteen or twenty miles an hour, these superheater engines, with the same weight on drivers, would draw proportionately higher pay in our proposition, would they not?

Mr. Jones: From 35 to 65 per cent.

Mr. Carter: Then, while weight on drivers is usually constant in its relation to tractive power, when a superheater is installed at a higher speed of ten or fifteen miles an hour, weight on drivers is not controlled by that rule, is it?

Mr. Jones: No, sir; not with that type of engine.

Mr. Carter: Therefore, if our proposition is favorable to the railroads in any respect, it would be when superheated engines are used; is not that true?

Mr. Jones: Yes, sir.

Mr. Carter: How much has been the increase in tonnage because of the installation of these superheaters?

Mr. Jones: Twenty-five per cent is what we usually handle.

Mr. Carter: You have the evidence to that effect, if necessary?

Mr. Jones: It is personal knowledge. I have worked right with them, and the bulletins call for 25 per cent more tonnage on a superheater Consolidation engine.

Mr. Carter: There is a standard bulletin to that effect, is there?

Mr. Jones: It is issued every day, as a rule, in the line-up.

Mr. Carter: Then there is no question in the minds of the officials of the Great Northern that superheaters pull 25 per cent more tonnage.

Mr. Jones: No.

Mr. Carter: And you say they burn just about as much coal?

Mr. Jones: Just about the same.

Mr. Carter: You mentioned a while ago, in reply to a question propounded by counsel for the railroads, that, in addition to these men who had been displaced entirely, there were new branches constructed?

Mr. Jones: Yes, sir.

Mr. Carter: These new branches took care of a goodly number of men?

Mr. Jones: Yes, sir.

Mr. Carter: If it had not been for these new branches, the conditions would be worse than they are now?

Mr. Jones: Yes, sir.

Mr. Carter: We understand that this copper business has greatly decreased. Do you think that the new branches have taken up about as many men as were displaced by the falling off of the copper business?

Mr. Jones: No, sir.

Mr. Carter: What proportion of them do you think they took? About how many men got jobs on the new division?

Mr. Jones: At the present time there are only about three crews working on the three new lines.

Mr. Carter: Then you are not using many men over there?

Mr. Jones: No.

Mr. Carter: And there would not have been much difference if they had remained on the main line?

Mr. Jones: No.

Mr. Carter: About three crews on the three lines?

Mr. Jones: I will qualify that by saying an extra trip is made up over those additional tracks by additional crews once in a while, to load stock or something of that kind.

(Witness excused.)

J. F. SEXTON was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence?

Mr. Sexton: J. F. Sexton, Sherman, Texas.

Mr. Carter: What is your present occupation?

Mr. Sexton: Locomotive fireman.

Mr. Carter: By what railroad are you employed?

Mr. Sexton: The St. Louis & San Francisco Railroad.

Mr. Carter: When were you employed?

Mr. Sexton: June 28, 1908.

Mr. Carter: Then you have about six years and a half of seniority as a fireman; is that right?

Mr. Sexton: Yes, sir.

Mr. Carter: You have never been promoted, have you?

Mr. Sexton: No, sir.

Mr. Carter: During this six years and six months have you seen larger engines displace smaller engines?

Mr. Sexton: Yes, sir.

Mr. Carter: About what is the proportion of this displacement? Two or three large engines have displaced how many small engines?

Mr. Sexton: Well, I will say about six large engines have displaced ten small engines.

Mr. Carter: You think the proportion has been about six to ten?

Mr. Sexton: Yes, sir.

Mr. Carter: Does that mean that six firemen are practically doing what ten firemen did do?

Mr. Sexton: Yes, sir.

Mr. Carter: Has not there been a slight decrease in business there, or has business been normal?

Mr. Sexton: Well, it is about normal.

Mr. Carter: Do these six locomotives, or whatever there are there now, pull more tons of freight than the engines that were there formerly?

Mr. Sexton: Yes, sir.

Mr. Carter: How is the tonnage rating arranged there? Do they have a bulletin of any kind to show what the tonnage of a locomotive is?

Mr. Sexton: Only by the time card.

Mr. Carter: The time card?

Mr. Sexton: Yes, sir.

Mr. Carter: Do they adhere to the tonnage rating as shown by the time card, or do they pull more than the time card shows?

Mr. Sexton: Well, sometimes they have more, yes, sir.

Mr. Carter: And sometimes they have less?

Mr. Sexton: Not very often is there a case that they have any less.

Mr. Carter: When an engine starts out now is it loaded to its full capacity?

Mr. Sexton: As a usual thing, yes, sir.

Mr. Carter: What do you do when you come to a piece of track where the grade is a little heavier; are you required to take what you can to the top of the hill and then go back and get more?

Mr. Sexton: Our engines generally handle the time card rating. Sometimes we have to double.

Mr. Carter: Sometimes, you have to double?

Mr. Sexton: Yes, sir.

Mr. Carter: That is all.

The Chairman: The witness is with you.

CROSS EXAMINATION.

Mr. Sheean: Mr. Sexton, what style or type of engine are you firing now?

Mr. Sexton: Consolidation.

Mr. Sheean: What is it?

Mr. Sexton: Consolidation, 1200 class.

Mr. Sheean: What is the weight on drivers?

Mr. Sexton: 187,000 pounds.

Mr. Sheean: How long has that type or style of engine been on this division of the Frisco?

Mr. Sexton: From about May, 1912, I think the change was made.

Mr. Sheean: May, 1912?

Mr. Sexton: Yes, sir.

Mr. Sheean: A coal burner, is it?

Mr. Sexton: Yes, sir.

Mr. Sheean: That is the heaviest type of engine you have there?

Mr. Sexton: We have a piston valve that is classed at the same rating as the 1200 class, that is the 1270 class, which weighs 195,000 pounds.

Mr. Sheean: How many of those have you?

Mr. Sexton: Oh, there are only two or three there.

Mr. Sheean: Two or three of those?

Mr. Sexton: Yes, sir.

Mr. Sheean: What was the type or style of engine which was displaced in 1912, by the engine you are using?

Mr. Sexton: That was the 600 class, 10-wheel engine.

Mr. Sheean: 10-wheel engine?

Mr. Sexton: Yes, sir.

Mr. Sheean: About how old were those?

Mr. Sexton: How is that?

Mr. Sheean: About how old were those 10-wheel engines, how long had the Frisco been using those, the ones that were displaced in 1912, when they got the new power?

Mr. Sexton: I think they got them new in 1905 or 1906; I don't know exactly.

Mr. Sheean: About 1906?

Mr. Sexton: Along there. They had them when I went to work there. It was practically a new engine.

Mr. Sheean: They were practically a new engine when you went to work in 1908?

Mr. Sexton: Yes, sir.

Mr. Sheean: Were those the only engines in freight service on that division at that time, the 10-wheelers?

Mr. Sexton: Yes, sir.

Mr. Sheean: What did they weigh?

Mr. Sexton: 129,700 pounds, I think.

Mr. Sheean: On drivers?

Mr. Sexton: Yes, sir.

Mr. Sheean: Where there any changes made at all in the alignment, steel, ties or road bed of the Frisco, between 1908 and 1912 on this division?

Mr. Sexton: They had some new ties.

Mr. Sheean: Put in any heavier rail?

Mr. Sexton: No, sir, never has been since they opened it up.

Mr. Sheean: Never has been?

Mr. Sexton: No.

Mr. Sheean: What weight of rail have they down there now?

Mr. Sexton: Sixty-five pound, I think.

Mr. Sheean: Sixty-five pound rail?

Mr. Sexton: Yes, sir.

Mr. Sheean: How many men were on the Firemen's list

when you became a fireman in 1908? How many men were ahead of you?

Mr. Sexton: I don't know exactly the amount ahead of me.

Mr. Sheean: About how many?

Mr. Sexton: Well, we had ten regular crews, and I was about the youngest man, I think.

Mr. Sheean: Ten regular crews?

Mr. Sexton: Yes, sir, in the through freight service.

Mr. Sheean: How many regular crews have they now?

Mr. Sexton: They have six.

Mr. Sheean: Six?

Mr. Sexton: Yes, sir.

Mr. Sheean: When was the first change made from 1910, to a smaller number?

Mr. Sexton: About the time the large engines came.

Mr. Sheean: 1912?

Mr. Sexton: Yes, sir.

Mr. Sheean: They dropped from ten to what?

Mr. Sexton: To six.

Mr. Sheean: And have been six ever since?

Mr. Sexton: We might have had seven sometimes, but generally six crews have been doing the work.

Mr. Sheean: Six crews?

Mr. Sexton: Yes, sir.

Mr. Sheean: That is in the freight service, is it?

Mr. Sexton: Yes, sir.

Mr. Sheean: Do you know what your position on the seniority list is at the present time?

Mr. Sexton: Fourteenth man, fireman.

Mr. Sheean: Fourteenth man?

Mr. Sexton: Yes, sir.

Mr. Sheean: You cannot give any idea how many firemen there were ahead of you when you went to work?

Mr. Sexton: No, I wouldn't say for sure.

Mr. Sheean: Can you give us some general idea about your place on the list then?

Mr. Sexton: It must have been twenty or twenty-five, about twenty-five, I guess.

Mr. Sheean: About twenty-five in 1908?

Mr. Sexton: Yes, sir.

Mr. Sheean: Where were you in 1909?

Mr. Sexton: Working extra.

Mr. Sheean: What was your position on the seniority list then?

Mr. Sexton: I don't know.

Mr. Sheean: You have never paid any attention as to how many there were at the different times above you?

Mr. Sexton: I was cut off of the board.

Mr. Sheean: What is it?

Mr. Sexton: I say I was cut off of the board several times in 1909.

Mr. Sheean: Off of the extra board, was that?

Mr. Sexton: Yes, sir.

Mr. Sheean: But any cut in the board that was made, would be at the request of the men?

Mr. Sexton: Yes, sir.

Mr. Sheean: Has there been any diversion of traffic at all there on that division since the Frisco separated from the Rock Island?

Mr. Sexton: I don't know.

The Chairman: What does he say? I can't hear him.

(Answer read as above recorded.)

Mr. Sheean: He says, "I don't know."

What has your observation been about the amount of business that they have had to handle there, the actual tonnage transported?

Mr. Sexton: Do you mean the engine rating?

Mr. Sheean: No, how much business have they had to do, whether it has been heavy or light?

Mr. Sexton: Well, it is about normal. A little bit heavier in the winter time and the fall months.

Mr. Sheean: What is the tonnage rating now of the engines that you have been using there, since May, 1912?

Mr. Sexton: What is the rating now?

Mr. Sheean: Yes.

Mr. Sexton: 1350.

Mr. Sheean: Has there been any change in the tonnage rating of those engines since they were installed in May, 1912?

Mr. Sexton: Yes, when they first came there the rating was 1250.

Mr. Sheean: About how long did it remain 1250?

Mr. Sexton: About a year ago the engine was changed to 1350.

Mr. Sheean: What was the tonnage rating of the old 10-wheelers?

Mr. Sexton: Eight hundred tons was the rating.

Mr. Sheean: 129,000 pounds on drivers, I believe you said?

Mr. Sexton: Yes.

Mr. Sheean: Since they put on these engines which weigh 187,000 pounds on drivers, the only change in the tonnage rating has been from 1250 to 1350 tons?

Mr. Sexton: The only change in the large engine, yes, sir.

Mr. Sheean: Is the rating the same in both directions?

Mr. Sexton: Yes, sir.

Mr. Sheean: And is your traffic about the same in both directions?

Mr. Sexton: It is a little bit heavier, south.

Mr. Sheean: What commodities does it consist of mostly?

Mr. Sexton: Oil and coal and merchandise.

Mr. Sheean: Have you any cotton?

Mr. Sexton: Yes, sir, quite a bit of cotton.

Mr. Sheean: Has cotton been moving about normally down there this year?

Mr. Sexton: No, not this year, they are not handling their cotton; they are not moving their cotton.

Mr. Sheean: Has that made any difference in the tonnage you have had to handle there?

Mr. Sexton: No, sir.

Mr. Sheean: Not any lighter, you think? What has taken the place of the cotton you are not hauling this year?

Mr. Sexton: We handle some grain down in there.

Mr. Sheean: Has the grain movement been as free down there as in previous years?

Mr. Sexton: I don't know whether it has been as free or not.

Mr. Sheean: Well, you have as much of it as you had in other years?

Mr. Sexton: I don't know.

Mr. Sheean: Are all of these trains scheduled trains?

Mr. Sexton: We have two scheduled trains each way.

Mr. Sheean: And the rest of the business is simply handled whenever they get a train?

Mr. Sexton: Yes, sir.

Mr. Sheean: The number of trains has remained about the same?

Mr. Sexton: Yes, sir.

Mr. Sheean: What was the rate paid on this 129,000 pounds on drivers engine?

Mr. Sexton: $3.20.

Mr. Sheean: $3.20?

Mr. Sexton: Yes, since 1910.

Mr. Sheean: You haven't had any of them since 1910, have you, in freight service Oh, yes, from 1910 down to 1912?

Mr. Sexton: Yes.

Mr. Sheean: What is the rate paid on the heavier engine that has been used since 1912?

Mr. Sexton: Three dollars and sixty cents.

Mr. Sheean: Are part of these 10-wheelers still in use in freight service?

Mr. Sexton: Why, they have two or three of them; they are on locals.

Mr. Sheean: Local freight?

Mr. Sexton: Yes.

Mr. Sheean: And in the service that they are in now, what is paid on them?

Mr. Sexton: Local freight is $3.45. Through freight is $3.20.

Mr. Sheean: But they are not used in through freight now?

Mr. Sexton: No, sir, hardly ever.

Mr. Sheean: I am not sure whether you were asked about the earnings there in this pool that you are in. About what do they pay the firemen in that pool?

Mr. Sexton: This year?

Mr. Sheean: Yes.

Mr. Sexton: I have averaged about $94.

Mr. Sheean: Through the last year, from now back?

Mr. Sexton: Yes, sir.

Mr. Sheean: About how many lay-offs have you taken, about how many working days a month is that?

Mr. Sexton: I have averaged about twenty-two to twenty-three days a month.

Mr. Sheean: Twenty-two to twenty-three days a month?

Mr. Sexton: Yes.

Mr. Sheean: While you were working?

Mr. Sexton: Yes.

Mr. Sheean: And then is there any other lay-off in making the average of $94.

Mr. Sexton: I usually lay off a trip or two each month, yes, sir.

Mr. Sheean: The $94 a month is based on your laying off a trip or two a month?

Mr. Sexton: That is what I have made besides the laying off, or including the lay-offs.

Mr. Sheean: At any time you have been on this division, have they used any oil burners?

Mr. Sexton: In passenger service they used some a while. I don't know exactly how many.

Mr. Sheean: You have never operated on an oil burner?

Mr. Sexton: I did a little extra work.

Mr. Sheean: That is only in passenger service?

Mr. Sexton: Yes.

Mr. Sheean: Did they ever have them in freight service there at all?

Mr. Sexton: No, sir.

Mr. Sheean: Did you ever work an entire year there with one of the 10-wheelers while it was in freight service?

Mr. Sexton: Yes, sir. I don't know that I worked as a regular man.

Mr. Sheean: What is it?

Mr. Sexton: I don't know as I did as a regular man. I worked extra.

Mr. Sheean: Have you any record of what you received a month while you were operating the light engines in freight service?

Mr. Sexton: In 1911 I averaged about $90 a month.

Mr. Sheean: What is it?

Mr. Sexton: In 1911 I averaged $90 a month on the small engine.

Mr. Sheean: Have you the number of trips that were made?

Mr. Sexton: Each month?

Mr. Sheean: No, to get that average. I suppose you have the total money and the total trips there to get that average.

Mr. Sexton: I haven't got the total trips here. I have got it here on the time book.

Mr. Sheean: What is it?

Mr. Sexton: I have got the days here on the time book.

Mr. Sheean: Well, I don't care particularly about the detail unless you can give us the total result on that, Mr. Sexton, as to how many trips you made. Are you on the same run now that you were then?

Mr. Sexton: Yes, sir.

Mr. Sheean: What is the distance of that run?

Mr. Sexton: One hundred and five miles.

Mr. Sheean: One hundred and five miles?

Mr. Sexton: Yes.

Mr. Sheean: About what time is it ordinarily made in?

Mr. Sexton: With a full train you will average twelve or thirteen hours each way.

Mr. Sheean: So that, with the money there earned in any month, you couldn't tell, or I couldn't figure back from the distance and rate, because you run into overtime quite often?

Mr. Sexton: Yes, sir.

The Chairman: Mr. Sheean, how much longer will it take you to finish?

Mr. Sheean: Just a moment. I think I will be through in a question or two. Has there been any change in the length of time of trips between 1911 and the present time?

Mr. Sexton: Yes, sir; we used to get over the road better than we do now.

Mr. Sheean: I wish, Mr. Sexton, that you would take the year 1911, of which you say you have a record there, and give us your total number of trips in 1911, and your total overtime, total hours in 1911; and then give us the total overtime on the trips in this last year, in which your earnings were made. You have the details of both those, have you not?

Mr. Sexton: Yes, sir.

Mr. Sheean: So that you can give both the overtime and the number of trips, readily from your time book?

Mr. Sexton: Yes, sir.

Mr. Sheean: Have you also, all of the period 1911, 1912, 1913 and 1914, to date, in this time book?

Mr. Sexton: I haven't every month. In 1912 I have all but one month, I believe.

Mr. Sheean: I wish you would give just what you have.

Mr. Sexton: In 1913 I only have about eight months.

Mr. Sheean: Well, for all the months that you have, if you will show us, if you please, if it is not as I think it is not, a great deal of trouble, will you please make up a statement showing the total number of trips and the total overtime in each of these months that you have a record of?

Mr. Sexton: Yes.

Mr. Sheean: That can be easily done, can it?

Mr. Sexton: Yes, sir.

Mr. Sheean: If you will do that, Mr. Sexton, I will appreciate that at your convenience.

Mr. Sexton: All right.

Mr. Sheean: That is all.

The Chairman: Anything further, Mr. Carter?

Mr. Carter: No.

The Chairman: We will adjourn until 10 o'clock tomorrow morning.

(Whereupon at 5:04 o'clock P. M., December 18, 1914, an adjournment was taken until 10 o'clock A. M., December 19, 1914.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Illinois, December 19, 1914.

Met pursuant to adjournment, at 10:05 o'clock A. M.
Present: Arbitrators and parties as before.

The Chairman: Call your first witness.

Mr. Carter: Mr. Chairman, and gentlemen of the Board: Mr. Sexton, at the request of Mr. Sheean, prepared this statement as best he could from his records, and we might as well place it right in the records of the proceedings.

The Chairman: Do you desire to recall the witness?

Mr. Stone: Just a moment, Mr. Chairman: At the request of Mr. Sheean—

Mr. Carter: Did you say that you desired to recall the witness, Mr. Chairman?

The Chairman: No, I asked you if you wished to recall the witness.

Mr. Carter: No sir, I do not, unless counsel for the railroads desire to recall him.

The Chairman: One moment, Mr. Stone.

Mr. Sheean: I was wondering, Mr. Carter, if there could be supplied with this the number of miles. He gives the trips and the hours, but the mileage is not given.

Mr. Carter: Where is Mr. Sexton? He is not in the room. I do not know whether he has left town or not.

Mr. Phillips: I might explain, Mr. Chairman, that Mr. Sex-

ton spoke to me about this last night. He had been working on it and he found considerable difficulty from his type of book-keeping, in getting what he thought was desired by Mr. Sheean. He said his greatest trouble was where he had worked on a work train, perhaps, and made only thirty or forty miles, he had credited himself with ten hours or a hundred miles. Or, where he worked one hundred and five miles and was possibly only six or eight hours making it at times, he credited himself with ten and one-half or the equivalent number of hours. It was all hours; he had figured it in hours. I think he had more trouble getting it up than he expected to have. I do not know whether he could furnish the exact miles or not, Mr. Sheean.

I will say this, that he did tell me, in addition, that in these trips he includes work train service, passenger service, and he calls them trips, it wouldn't matter whether it was a two-hundred mile passenger trip or a a fifty-mile service in work train, is so mixed up that he had a hard time drawing it off.

Mr. Sheean: Of course, the purpose of the comparison contemplated having the miles as well as the hours. If that cannot be done, of course we will use this so far as we can; but if he can supplement this at any time, at his leisure, I do not care when it is done, any time during the hearing, as to what the miles were on these different trips I would be glad to have it supplemented in so far as it can be.

Mr. Phillips: I do not know just what his time books show. I think from his explanation to me, that he has not an accurate record of the miles. I do not think he has; but he may be able to give a fairly accurate estimate. He may appear here this morning, or we may see him during the day.

Mr. Sheean: I suggest before filing this that you see whether that can be done.

Mr. Phillips: All right.

Mr. Carter: I understand that this is not what Mr. Sheean wants, and I understand you prefer it not to go into the record.

Mr. Sheean: Until you ascertain whether it can be made more complete.

Mr. Carter: I am quite sure it cannot be made more complete from the records Mr. Sexton has in his possession. I think he has done the best he can here; and his books are like the average fireman's time book.

Mr. Sheean: Well, that statement, without giving the miles, would not serve to make the comparison I had in mind. I have not any objection to its being filed, understand; but it will not serve the purpose that I thought could be accomplished by asking him to give the miles as well as the hours in both these periods.

Mr. Carter: It is immaterial to me whether it is included in the record or not.

Mr. Sheean: If he cannot furnish the information that I desire, I do not care to have that go in the record. I do not object to it, but it will not have any probative effect either way on the point I had in mind without the miles in it.

Mr. Carter: What is the pleasure of the Board?

The Chairman: If it is to serve no good purpose, I see no reason why it should go in the record.

You may proceed, Mr. Carter.

Mr. Carter: Mr. Crylie.

GEORGE CRYLIE was called as a witness, and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name.

Mr. Crylie: George Crylie.

Mr. Carter: What is your present occupation?

Mr. Crylie: Locomotive fireman.

Mr. Carter: By what road are you employed?

Mr. Crylie: Denver & Rio Grande.

Mr. Carter: When did you enter the service of the Denver & Rio Grande?

Mr. Crylie: On the 25th of November, in 1905.

Mr. Carter: Then you have about nine years' seniority as a fireman?

Mr. Crylie: Yes, sir.

Mr. Carter: On what division are you employed?

Mr. Crylie: On the Third division.

Mr. Carter: Is that a narrow gauge, mountain service district?

Mr. Crylie: Yes, sir.

Mr. Carter: Using narrow gauge engines altogether?

Mr. Crylie: Yes, sir, on this part I am working on.

Mr. Carter: Describe this district, where does it start from and where does it go to and what is the character of the country?

Mr. Crylie: On the district I am working on, we work between Salida and Gunnison, that is the division points, and Salida and Alamosa is another district on this same division. We work in helper service out of Salida and Sargent. Sargent is an intermediate terminal between Salida and Gunnison.

Mr. Carter: What is the character, topographically, of the country between Salida and Sargent?

Mr. Crylie: Why, it is a heavy grade.

Mr. Carter: Is it not the Marshall Pass, well known?

Mr. Crylie: Yes, sir.

Mr. Carter: Passing over the crest of the Rocky Mountains?

Mr. Crylie: Yes, sir.

Mr. Carter: What is the altitude on Marshall Pass?

Mr. Crylie: 10,856 feet, I believe.

Mr. Carter: And they use a narrow gauge railroad across this pass?

Mr. Crylie: Yes, sir.

Mr. Carter: Have they introduced any larger engines in this narrow gauge service within the past few years?

Mr. Crylie: Not since 1903.

Mr. Carter: Have they increased the tonnage on the engines that have been there?

Mr. Crylie: Yes, sir.

Mr. Carter: When was this increase of tonnage noticeable?

Mr. Crylie: Well, within the last year, practically.

Mr. Carter: What has been this increase in tonnage on these same engines within the last year?

Mr. Crylie: On the heavy grade it is 35 tons and 60 tons for the engine.

Mr. Carter: Well, what would the engine pull before they added this 35 or 60 tons?

Mr. Crylie: 130 tons.

Mr. Carter: Then it must be a very steep grade?

Mr. Crylie: Yes, sir.

Mr. Carter: What is the percentage of the gradient?

Mr. Crylie: Four per cent grade.

Mr. Carter: Have you noticed that it requires the consumption of more coal since the tonnage has been increased?

Mr. Crylie: Yes, sir, we consume considerably more coal.

Mr. Carter: Have they made special provisions for the consumption of more coal?

Mr. Crylie: Yes, sir, since this increased tonnage has been added, they have had to put higher coal racks all around the tanks on the engines.

Mr. Carter: What a farmer would call "sideboards" on his farm wagon?

Mr. Crylie: Yes, sir, sideboards.

Mr. Carter: Without going into the details any further as to the tonnage, what graphic evidence do you notice, what do you see by your eyes there, that convinces you that the tonnage has increased?

Mr. Crylie: Why, the simple fact that taking, for instance, between Sargent and Marshall Pass on two trains, there would be six firemen. They run three engines on all the trains on this heavy grade between Sargent and Marshall Pass, and two trains with six firemen would take practically what formerly three trains with nine firemen took.

Mr. Carter: Do you think then this change of loading the locomotives to their utmost capacity results in six firemen doing the work that nine firemen formerly did?

Mr. Crylie: Practically the same amount of tonnage is handled, yes, sir.

Mr. Carter: Six firemen do the work that formerly nine firemen did, thus displacing three firemen?

Mr. Crylie: Yes, sir.

Mr. Carter: What has been the effect of this increased tonnage on these trains, or, the displacing of these firemen, upon you and other firemen there?

Mr. Crylie: Well, the younger men that were running engines have been set back, firing, and the younger firemen have been taken off from the list.

Mr. Carter: About how many firemen were taken off the list in the last year?

Mr. Crylie: Well, I believe about ten firemen would be about approximate.

Mr. Carter: About how many engineers were set back that you can call to mind, within the past year, or since this increase in tonnage?

Mr. Crylie: Well, there were about seven or eight, more or less. About seven or eight engineers set back, firing that were running.

Mr. Carter: This is not a very lengthy trip in hours, is it, from Salida to Gunnison?

Mr. Crylie: Well, no, it is not extremely long.

Mr. Carter: About how long do you generally require to get over the road?

Mr. Crylie: Well, I believe the average trip would be about nine hours from Salida to Gunnison.

Mr. Carter: How far is it?

Mr. Crylie: 74 miles.

Mr. Carter: Back from Gunnison to Salida, about how much time would it take?

Mr. Crylie: I believe it would average 10 hours and 30 minutes, probably.

Mr. Carter: The same distance?

Mr. Crylie: The same distance.

Mr. Carter: Have you noticed a decrease in your earnings, or, first, I will ask you, do you know anything about being held away from home terminal?

Mr. Crylie: Well, our average time would be on all of the trips I think about fifteen hours. Possibly a little more. But, on these helper trips, where we are held at Sargent, we stay there sometimes three or four or five days, and it ranges from—well, maybe if we make two trips in a day it won't be more than thirty minutes or an hour between trips; and maybe it will be twenty hours or better between trips.

Mr. Carter: Do I understand that in addition to your regular delay at Gunnison, you are sometimes held on the Sargent pusher service?

Mr. Crylie: Yes, sir, we work first in first out in both the helper and the through service.

Mr. Carter: The requirements of the company are such that you expect that that has to be done, do you not?

Mr. Crylie: Yes, sir.

Mr. Carter: You don't complain of that?

Mr. Crylie: No, sir.

Mr. Carter: I understand, however, it adds greatly to your expenses, does it not?

Mr. Crylie: Oh, yes, the more you are away from home the more your expense is bound to be.

Mr. Carter: You are paying your own expenses?

Mr. Crylie: Yes, sir.

Mr. Carter: Have you noticed an increase in the cost of living?

Mr. Crylie: Well, I would say that our increase has been the same as all over; probably from 20 to 30 per cent.

Mr. Carter: On the cost of meals at Gunnison, has there been any increase?

Mr. Crylie: I am paying ten cents a meal more at Gunnison than I did a year ago.

Mr. Carter: What would you estimate the increased cost of living, judging from your family expenses and your expenses away from home; how much would it aggregate per month, all told, do you think?

Mr. Crylie: Well, I believe it would be a safe estimate to put it at between five dollars and six dollars, anyhow.

Mr. Carter: Then does it run between $60 and $72 a year?

Mr. Crylie: I think so, yes, sir.

Mr. Carter: That is, it requires about $60 to $72 a year more now for you to pay your necessary expenses than formerly?

Mr. Crylie: I think that would cover it.

Mr. Carter: In reaching that estimate do you include the present "war" prices, or do you only bring them up, say to the first of the present year?

Mr. Crylie: Well, no, sir; our expenses have been gradually increasing there. Our living has gradually raised.

Mr. Carter: How far do you go back in estimating this increase of from $60 to $72 a year in your expenses?

Mr. Crylie: Well, say the last eighteen months or two years.

Mr. Carter: Have you made any investigation as to the average wages of all firemen working on your division?

Mr. Crylie: I have attempted to gather a pretty fair estimate of their average wages, yes, sir.

Mr. Carter: Well, they average less than $100 a month, all of them?

Mr. Crylie: Yes, sir, I think so.

Mr. Carter: Is it not a fact that on certain parts of this trackage you get a much higher rate because of the gradient?

Mr. Crylie: Yes, sir.

Mr. Carter: To what do you attribute this differential, to the grade, or to the dangers, or what is it that you believe is there that has induced the Denver & Rio Grande to pay you a higher rate?

Mr. Crylie: The grade has a bearing on it, and the dangers of working on that grade, I suppose, are taken into consideration; and we do not make the miles on this grade. It takes longer to make a mile than it does in countries with lesser grade.

Mr. Carter: My understanding of the matter is that on these heavy grades the hard work is going up the grade, is it not?

Mr. Crylie: Yes, sir.

Mr. Carter: And the great danger is coming down the grade, is it not?

Mr. Crylie: Yes, sir.

Mr. Carter: Most of the runaways occur in coming down the grade?

Mr. Crylie: Yes, sir.

Mr. Carter: If you would see a rock on the track, fallen from a cliff, going up the grade, your speed would be such that there would be no danger of a bad derailment, would there?

Mr. Crylie: They very seldom hit a rock going up the hill. It has happened, though. The curves are short, and you might come around a curve and be onto a rock before—especially, if the curve was on the opposite side away from the engineer, and the fireman would be putting in the fire, they might be onto it before they would see it.

Mr. Carter: The curves are exceedingly short and sharp?

Mr. Crylie: Yes, sir, we have lots of short curves.

Mr. Carter: But if you did approach a landslide or any of those dangers of mountain work, going up the hill, your speed would be so slow that the danger would be largely avoided?

Mr. Crylie: Ordinarily, if they would shut off, they would stop.

Mr. Carter: How about coming down the hill, if you saw these rocks and slides or runaways, or whatever it is?

Mr. Crylie: In case of rocks, it is very seldom, you might say, that you see a rock in time to stop with these heavy trains; in fact, there have been more or less of them run over, and we have had at least one engine that went down the hill from hitting a large rock.

Mr. Carter: These accidents are incidental to heavy mountain service, and are not the fault of the railroad; is not that true?

Mr. Crylie: Yes, sir, that is true.

Mr. Carter: The Denver & Rio Grande uses every precaution to prevent such accidents, does it not?

Mr. Crylie: Yes, sir.

Mr. Carter: In your experience as a locomotive fireman, have you noticed that new locomotives, in perfect mechanical condition burn much less coal than old locomotives?

Mr. Crylie: Yes, sir.

Mr. Carter: Do you know anything about standard gauge engines?

Mr. Crylie: Well, I have fired standard gauge some.

Mr. Carter: The Denver & Rio Grande has standard gauge divisions out of Salida as well as this narrow gauge division?

Mr. Crylie: Yes, sir.

Mr. Carter: Do you believe that the firing of a narrow gauge engine with the same weight on drivers is just as hard work as on a standard gauge engine?

Mr. Crylie: Yes, sir.

Mr. Carter: The only difference is the width of the track?

Mr. Crylie: That is all.

Mr. Carter: In your observation, do you believe the locomotive engineer has just as much to contend with, so far as responsibilities and labors are concerned, in narrow gauge service as in standard gauge service?

Mr. Crylie: He would have the same conditions as the man on the standard gauge.

Mr. Carter: A little more difficult to get under his engine in cases of necessity; is not that so?

Mr. Crylie: Oh, yes, sir.

Mr. Carter: And the same applies to firemen?

Mr. Crylie: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Crylie, you have been promoted to an engineer, have you not? You spoke of entering the service in 1905.

Mr. Crylie: Yes, sir.

Mr. Sheean: You became an engineer when?

Mr. Crylie: In August, 1909.

Mr. Sheean: And, since that time, you have worked part of the time as engineer where you caught certain runs as engineer, and part of the time as fireman?

Mr. Crylie: When I was first promoted, I ran about eight months regular; that is, I was an engineer for eight months; and, I expect, altogether, I probably have run a year and a half since I was first promoted.

Mr. Sheean: There has been no change in the power on this line since 1903?

Mr. Crylie: No, sir; we got those engines, they came there in 1903.

Mr. Carter: And what is the weight on drivers of the engines that are the heaviest ones there on this narrow gauge?

Mr. Crylie: They are 105,425 pounds.

Mr. Sheean: Practically all of the motive power there now is of that weight?

Mr. Crylie: On this division that I am working on, we work principally with those engines; yes, sir.

Mr. Sheean: And have done so ever since 1903?

Mr. Crylie: Well, as business fluctuates and these engines might be more or less in the shop, they fill in with smaller engines. They have some smaller engines there that they fill in with, if they absolutely need the power.

Mr. Sheean: But, speaking generally, since 1903, since these engines came there, outside of unusual conditions, the power has been this 105,000 pounds weight on drivers.

Mr. Crylie: Yes, sir.

Mr. Sheean: Coming out of Salida and getting up to the

top of the Pass there, the rate changes over certain districts, does it not?

Mr. Crylie: A certain part of the mileage pays certain rates, yes, sir.

Mr. Sheean: You come out of Salida on about a two and a half per cent grade?

Mr. Crylie: About a two per cent grade, I think, for five miles.

Mr. Sheean: And then get onto a four per cent grade?

Mr. Crylie: Yes, sir.

Mr. Sheean: For how many miles?

Mr. Crylie: 35 miles.

Mr. Sheean: And then start down a four per cent grade?

Mr. Crylie: No, that is all of the four per cent.

Mr. Sheean: That is all of the four per cent?

Mr. Crylie: Yes, sir.

Mr. Sheean: Well, you are going up, then, about fifteen miles of that grade?

Mr. Crylie: About twenty-one miles.

Mr. Sheean: Twenty-one miles going up?

Mr. Crylie: Yes, sir.

Mr. Sheean: Then, after you get up to the top of the Pass, you come down a four per cent grade?

Mr. Crylie: Yes, sir.

Mr. Sheean: How far?

Mr. Crylie: You have fifteen miles of four per cent.

Mr. Sheean: In that four per cent territory, there is a mileage rate paid, is there not?

Mr. Crylie: Yes, sir.

Mr. Sheean: $6, or 6 cents and a fraction, 6.93 cents per mile, to the fireman?

Mr. Crylie: Yes, sir.

Mr. Sheean: And, on the 2 per cent grade the 3.58 cents per mile is paid?

Mr. Crylie: Yes, sir.

Mr. Sheean: Then, after you get down the 4 per cent grade you get into another territory of differing grades?

Mr. Crylie: That pays the same as the rate out of Salida.

Mr. Sheean: And the grade there is something over one per cent, is it?

Mr. Crylie: Yes, some of it is. It gets lighter than that. I don't know just what it is. When we get on something under one per cent, why, we call that in the valley, then.

Mr. Sheean: The schedule on the Denver & Rio Grande, on this mountain, is made to fit the conditions there of changing as the grade changes?

Mr. Crylie: Yes, that was the attempt, yes, sir, to cover it that way.

Mr. Sheean: And a day of $3.05, is it, to the fireman?

Mr. Crylie: Yes, sir, on freight.

Mr. Sheean: But if you are working in this territory that takes the 6.93 rate, you multiply the miles by the 6.93, and if it is more than $3.05, you are paid that mileage?

Mr. Crylie: Yes, sir.

Mr. Sheean: But, if it is less than $3.05, you are paid that minimum day, in any event?

Mr. Crylie: Not for all the trips, no, sir.

Mr. Sheean: Well, that is in case you run out and make more than one round trip, is it?

Mr. Crylie: Yes, sir.

Mr. Sheean: The first round trip you are paid a minimum day, and then actual miles on any second trip?

Mr. Crylie: No, sir; the first round trip—the first trip you make in a day on some of this service that is specified, that is from Sargent to Marshall Pass, pays you a day, provided you do not do any more work that day; but if you do make another trip that day, it all goes into mileage, both trips.

Mr. Sheean: Both trips?

Mr. Crylie: Yes, sir.

Mr. Sheean: Well, some of the other turn-arounds there—aren't some of the turn-arounds on the basis I spoke of, a minimum day for the first turn-around and then the second and subsequent turn-arounds actual miles added to the minimum day?

Mr. Crylie: Not on the district I am working on. Further west they have, I believe, a trip.

Mr. Sheean: Now, in making this run from Salida to Gunnison, that is a distance of 74 miles, I believe you said?

Mr. Crylie: Yes, sir.

Mr. Sheean: Starting out of Salida with a freight train, there are usually three engines, are there not?

Mr. Crylie: Yes, sir.

Mr. Sheean: And those three engines continue up this four per cent grade, and perhaps beyond the top of the four per cent grade, when two of them drop off?

Mr. Crylie: Just to the top of the four per cent.

Mr. Sheean: Just to the top of the four per cent grade?

Mr. Crylie: Yes, sir.

Mr. Sheean: Now, of those three engines that run up to the top of the Marshall Pass, they are also run first in first out, are they not, as to which one of the three engines is to continue on through with the train?

Mr. Crylie: Yes, sir.

Mr. Sheean: And on one day you would start out on this run with one of the engines that goes through to Gunnison. The next day, or the next trip that you made, you might have one of the engines which would drop off at the top of the pass?

Mr. Crylie: Yes, sir, the helper might turn back to Salida, or he might go on down to Sargent.

Mr. Sheean: And if he went down to Sargent, then he would act as a helper eastbound up over the top of the pass and again down to Salida?

Mr. Crylie: Or back to Sargent, as they needed the power. Wherever they needed the power.

Mr. Sheean. Now, let us take one of the trips on which you go from Salida through to Gunnison, that 74-mile trip. What is the fireman paid on that?

Mr. Crylie: $3.82.

Mr. Sheean: In case he goes through to Gunnison?

Mr. Crylie: Yes, sir.

Mr. Sheean: Now, in case you went up to the top of the pass and returned?

Mr. Crylie: To Salida?

Mr. Sheean: To Salida.

Mr. Crylie: $3.20.

Mr. Sheean: And in case you went over the top of the pass down to Sargent, and then brought a train from Sargent up the west slope—or up the east slope—

Mr. Crylie: West slope of the pass?

Mr. Sheean: West slope of the pass, and down.

Mr. Crylie: And back to Sargent?

Mr. Sheean: Yes, back to Sargent.

Mr. Crylie: It would pay a fireman $4.83.

Mr. Sheean: And on that last trip his actual miles, Salida to Sargent, would be what?

Mr. Crylie: Forty-two miles.

Mr. Sheean: And the return trip the same?

Mr. Crylie: No, from Sargent to Marshall Pass and return would be thirty-four miles.

Mr. Sheean: Thirty-four miles?

Mr. Crylie: Yes.

Mr. Sheean: So that the total miles there would be seventy-six miles, for which he is paid what?

Mr. Crylie: $4.83.

Mr. Sheean: What was the tonnage rating of these engines when they were first installed there, if you remember?

Mr. Crylie: On that grade?

Mr. Sheean: Yes.

Mr. Crylie: One hundred and thirty tons.

Mr. Sheean: And the rating of one hundred and thirty tons continued to when?

Mr. Crylie: I believe, in May of this year they started increasing the tonnage of those engines. That is, that was the practical tonnage.

Mr. Sheean: During this coal strike out there, was the full tonnage carried, or has that affected the tonnage at all?

Mr. Crylie: I think the majority of the trains would average full tonnage, because they hold them until they get the tonnage.

Mr. Sheean: And the change was made from 130 tons per engine to what?

Mr. Crylie: Between Salida and Marshall Pass, from 130 to 165; and between Sargent and Marshall Pass, from 130 to 190.

Mr. Sheean: Was there any change made in the air pumps on these engines from the time they were first installed?

Mr. Crylie: Why, they put on another air pump; yes, sir.

Mr. Sheean: Larger?

Mr. Crylie: No, the same size as was on them, I believe, when they came there.

Mr. Sheean: Wasn't the change in tonnage made subsequent to the change in the air pump which enabled a larger ton-

nage to be handled down hill rather than up hill; or, was your limitation in tonnage before, fixed by the down grade instead of the upgrade?

Mr. Crylie: Why, the tonnage down grade; they just increased that 100 per cent, about.

Mr. Sheean: The tonnage down grade was what?

Mr. Crylie: 475 tons.

Mr. Sheean: For the three engines?

Mr. Crylie: One engine.

Mr. Sheean: One engine?

Mr. Crylie: They go down with one engine.

Mr. Sheean: They go down with one engine there?

Mr. Crylie: Yes.

Mr. Sheean: And the change in tonnage rating down grade was subsequent to the change in the air pumps?

Mr. Crylie: Yes, sir; they have put on two pumps and they have increased the tonnage down hill. This was uphill that I was speaking of before, about the tonnage rating.

Mr. Sheean: The tonnage rating of 160—

Mr. Crylie: No; the tonnage rating changed from 130 to 165.

Mr. Sheean: From 130 to 165?

Mr. Crylie: Yes. That was up the hill between Salida and Marshall Pass; and from 130 to 190 between Sargent and Marshall Pass.

Mr. Sheean: What is the average length of time it takes to make this 74-mile trip?

Mr. Crylie: Going west, from Salida to Gunnison, I believe the average length of time would be about nine hours, take it the year around.

Mr. Sheean: And coming back it would be about what?

Mr. Crylie: I would figure about ten hours and thirty minutes.

Mr. Sheean: During the time that you have been working on this narrow gauge and in this particular territory, how many runaways have you personal knowledge of—you spoke of the hazards there, on your direct examination?

Mr. Crylie: Well, I don't know. I expect I could figure up several.

Mr. Sheean: I just wanted a general idea of about how many.

Mr. Crylie: I have an idea that a runaway that would be of some importance would average one a year. We have little spurts, you know, that are actually runaways to us, all right, that outside people don't know anything about.

Mr. Sheean: That is where temporarily or for a short time on one of the trips you feel you have lost control of it?

Mr. Crylie: Yes, sir, or you could not stop if you wanted to, under any consideration.

Mr. Sheean: What is the speed on the down grade there?

Mr. Crylie: Why, the speed limit is ten miles an hour, on freight.

Mr. Sheean: How many engines of this class of 105,000 pounds on drivers, are used in this territory?

Mr. Crylie: They average from about eight to ten engines on freight.

Mr. Sheean: Isn't it a fact that, in 1912, the rates of pay on these narrow gauge engines were increased?

Mr. Crylie: Yes, sir.

Mr. Sheean: What time in 1912, if you remember?

Mr. Crylie: April 1st, I believe.

Mr. Sheean: And there was an increase of about 9 per cent in the rates of pay of firemen at that time?

Mr. Crylie: Well, I never figured it in per cent. It was increased from $2.78 on freight, I believe, to $3.05.

Mr. Sheean: And in passenger service there was also an increase?

Mr. Crylie: Yes, sir.

Mr. Sheean: Do you know the figures on that?

Mr. Crylie: $2.71, I believe, to $2.95.

Mr. Sheean: You have run in passenger service also, there, have you, on this same territory?

Mr. Crylie: Run an engine?

Mr. Sheean: Either run an engine or fired.

Mr. Crylie: Yes, some. Not very much.

Mr. Sheean: Have you fired in passenger service?

Mr. Crylie: Yes, sir.

Mr. Sheean: Are you familiar with some of the passenger trips in this territory?

Mr. Crylie: Yes, sir.

Mr. Sheean: Now, what is the schedule time of some of the trains, any one of the trains that you may have in mind, from Salida to Gunnison?

Mr. Crylie: Why, about four hours and fifteen minutes.

Mr. Sheean: And on that run of four hours and fifteen minutes, if made on time, what is paid the fireman for that?

Mr. Crylie: $3.49.

Mr. Sheean: In case the train is delayed a half hour or more, and less than one hour, what is the fireman paid?

Mr. Crylie: 32 cents.

Mr. Sheean: That is on the scheduled trains there, if there is a delay of more than one-half hour in the scheduled time, they are paid overtime for one hour?

Mr. Crylie: Yes, sir, or if it is an hour and twenty-five minutes, he is paid one hour, too.

Mr. Sheean: That is, they split on the half hours?

Mr. Crylie: Yes, sir.

Mr. Sheean: There is no payment of overtime in case the train is delayed a half hour or less, but for a half hour or more they are paid one hour?

Mr. Crylie: For a half hour he gets paid an hour, yes, sir.

Mr. Sheean: There are other passenger runs there you are familiar with?

Mr. Crylie: We have a passenger run from Salida to Alamosa.

Mr. Sheean: What is the distance there?

Mr. Crylie: That is 85 miles.

Mr. Sheean: And that is over this same territory or a part of the same territory?

Mr. Crylie: Eleven miles of it is on this same piece of track.

Mr. Sheean: And what is the length of time on that passenger run?

Mr. Crylie: That is about the same, four hours and fifteen minutes.

Mr. Sheean: And the rate of pay is the same?

Mr. Crylie: No, he would make $2.95 on that.

Mr. Sheean: He only goes eleven miles on this 6.93 per mile part?

Mr. Crylie: No, he goes about three and a half miles further on the 4 per cent. You see the first five miles out of Salida isn't on the four per cent grade, on this high rate.

Mr. Sheean: Then he runs about how far on this high grade?

Mr. Crylie: Nine miles and a half, I believe, altogether.

Mr. Sheean: The same rule obtains there as to overtime, in case that train is delayed more than a half hour?

Mr. Crylie: Yes, sir.

Mr. Sheean: Have you ever been in the switching service there at all?

Mr. Crylie: Why, I have been on switch engines some, more or less, yes, sir.

Mr. Sheean: And, on the narrow gauge, what kind of engines are used in switching service?

Mr. Crylie: Why, they have a small class of engine there. The old class, either sixty or seventy class.

Mr. Sheean: Those are the old road engines converted into switch engines?

Mr. Crylie: They just put footboards on them and they are switch engines then, yes, sir.

Mr. Sheean: Front and rear footboards?

Mr. Crylie: Yes, sir, and headlights.

Mr. Sheean: And those are the only switch engines in use there, the converted engines, on the narrow gauge?

Mr. Crylie: Yes, sir.

Mr. Sheean: You have never worked on any narrow gauge, not in mountain territory?

Mr. Crylie: Well, I have been over practically all of the narrow gauge.

Mr. Sheean: That is on the Denver & Rio Grande?

Mr. Crylie: Yes, sir.

Mr. Sheean: But no narrow gauge road here in the Mississippi Valley?

Mr. Crylie: No, sir.

Mr. Sheean: Or in this neighborhood, comparing a narrow gauge in operation, for the fireman, with the standard gauge operation?

Mr. Crylie: No, sir. I have never worked anywhere except on that piece of track.

Mr. Sheean: This narrow gauge isn't a part of the main thoroughfare of the Denver & Rio Grande, is it?

Mr. Crylie: No, sir.

Mr. Sheean: That is all.

Mr. Park: What is your grade out of Salida?

Mr. Crylie: Why, I think it is about 2 per cent. It is, anyhow, 2 per cent.

Mr. Park: You run through the Black Canyon?

Mr. Crylie: No, sir; that is west of Gunnison.

Mr. Park: Where do you have this rock trouble you have described?

Mr. Crylie: That is on Marshall Pass.

Mr. Park: That is on the Pass itself?

Mr. Crylie: Yes, sir.

Mr. Park: Your speed is restricted to ten miles an hour, both ascending and descending?

Mr. Crylie: Well, I don't suppose that they would care how fast you went up, but it is coming down.

Mr. Park: But it is restricted by your tonnage going up?

Mr. Crylie: Yes, sir.

Mr. Park: And by speed restrictions coming down?

Mr. Crylie: Yes, sir.

Mr. Park: Do you think there is any greater risk in operating an engine under those conditions than there would be, for instance, on the New York Central running along the Hudson river at 75 miles an hour?

Mr. Crylie: Well, speaking personally I could not say, because I never worked on there.

Mr. Park: How much coal do you burn going over the division of 74 miles from Salida to Gunnison?

Mr. Crylie: From Salida to Gunnison we would burn eight and a half to nine tons of coal, probably.

Mr. Park: How many cars do you have, in gross tonnage —165 tons, did you say?

Mr. Crylie: Yes, sir, 165 tons.

Mr. Park: About how many cars would that be?

Mr. Crylie: These cars run about eleven to twelve tons a car, empties. We take empties, mostly, going west.

Mr. Park: What do you bring back east?

Mr. Crylie: Coal and stock and hay—some hay.

Mr. Park: Was this the original main line of the Denver & Rio Grande?

Mr. Crylie: I believe it was, yes, sir.

Mr. Park: And when the road was built over Tennessee Pass, the through business was diverted that way?

Mr. Crylie: After the standard gauge was built.

Mr. Park: What size air pumps are you using on these engines?

Mr. Crylie: On those engines there are two 9½-inch air pumps.

Mr. Park: Do you have a brakeman on top of the trains going down grades?

Mr. Crylie: Brakemen are supposed to be on top, yes, sir.

Mr. Park: You say you never had any experience on a broad gauge road?

Mr. Crylie: Not regularly; I have worked extra over on the other division out of Salida, more or less.

Mr. Park: Do you pay any more for your insurance in the Firemen's Brotherhood than a fireman on an ordinary railroad?

Mr. Crylie: No, sir.

Mr. Park: Just the same?

Mr. Crylie: Yes, sir.

Mr. Park: I think that is all.

Mr. Shea: Before you leave, for my information particularly, what is the longest stretch, or longest length of straight track between Salida and Gunnison—you were speaking about there being a good many curves—I would like to know what is the longest stretch of straight track between these two points.

Mr. Crylie: After you get to Sargent, after you get off the grade, why, I expect down there through that valley, there would probably be a place of two miles.

Mr. Shea: You think that is the longest stretch of straight track?

Mr. Crylie: Down the valley there, yes, sir; but on the mountain, where these curves are, where we do the most of our work, the longest stretch would come under a mile, any place. There is probably one place that would be a little less than a mile.

Mr. Shea: That is all.

Mr. Park: The track is patrolled by track walkers, in those dangerous places, is it not?

Mr. Crylie: No, sir.

Mr. Park: They do not employ track walkers?

Mr. Crylie: No, sir.

Mr. Park: Are there any precautions taken to warn you against falling rocks?

Mr. Crylie: Well, I never observed any. There may be, but I—

Mr. Park: Isn't it the practice on the Denver & Rio Grande, in extremely dangerous localities, to keep on night track walkers?

Mr. Crylie: I believe their Book of Rules governs that, or requires that; but we do not ever see them. I could say positively that on our division they do not show up.

Mr. Park: Were you ever on an engine that struck a rock?

Mr. Crylie: Yes, sir.

Mr. Park: What was the result?

Mr. Crylie: Well, I never was on an engine that struck one large enough than any more than scare you some. That is about all.

Mr. Park: You just stepped off when you saw it?

Mr. Crylie: Stepped off? No, sir; I didn't get off.

Mr. Park: That is all.

Mr. Byram: These narrow gauge engines are very much smaller than the standard gauge engines, are they not?

Mr. Crylie: Well, than the up-to-date standard gauge.

Mr. Byram: That is what I meant; the ordinary engine that is used in mountain service on a standard gauge railroad is very much larger?

Mr. Crylie: Yes, sir.

Mr. Byram: About how much larger?

Mr. Crylie: Well, that division out of Salida has some Mallets that I think weigh—well, altogether they weigh 458,000. I don't remember just what the weight is on drivers.

Mr. Byram: Four times as big as yours?

Mr. Crylie: I expect they are; yes.

Mr. Byram: You said yours weighed 105,000 pounds?

Mr. Crylie: I was giving the total weight of these Mallets, and I was giving the weight on drivers of our class of engine.

Mr. Byram: Oh, I see. Are they three times as large, three times as heavy on the drivers?

Mr. Crylie: Yes, I think they are. I don't just remember what the weight on drivers of those engines are.

Mr. Byram: Are the narrow gauge cars smaller, too, than the standard cars?

Mr. Crylie: Yes, sir.

Mr. Byram: Weigh about 11 tons, you said, empty?

Mr. Crylie: Empty; yes, sir.

Mr. Byram: And the standard gauge cars weigh about how much?

Mr. Crylie: Well, I guess a standard gauge car weighs about 18 tons, I think.

Mr. Byram: About twice as much. A standard gauge empty car will weigh about twice as much, then, as you say the narrow gauge car does?

Mr. Crylie: Not quite as much. It gets close around there.

Mr. Byram: Not quite twice as much; the difference between 11 tons and 18 tons?

Mr. Crylie: Yes, sir.

Mr. Byram: You did not say how many freight cars you hauled usually in the train. With your three engine train how many loaded cars do you haul?

Mr. Crylie: Loaded cars?

Mr. Byram: Loaded cars, yes, in the loaded direction.

Mr. Crylie: As a rule they take about seventeen cars of coal.

Mr. Byram: With three engines?

Mr. Crylie: With three engines, yes, sir.

Mr. Byram: That is an average of about six cars to an engine?

Mr. Crylie: Yes, sir.

Mr. Byram: And empty cars going the other way up hill, how many are there in a train?

Mr. Crylie: They will take about—well, I think with empties they figure about 45 cars.

Mr. Byram: 45 cars?

Mr. Crylie: Yes, sir.

Mr. Byram: Can you haul 45 cars with three engines up hill?

Mr. Crylie: I have been on a train with 45 cars.

Mr. Byram: Then you handle about 165 tons. How much do they handle on the main line out of Salida, on the standard gauge?

Mr. Crylie: Well, they haven't got the grade. You see, their heaviest grade is not as heavy as our lightest grade.

Mr. Byram: Yes, I understand.

Mr. Crylie: I don't know as to that.

Mr. Byram: How does your rate of pay compare with the rate paid to the firemen on standard gauge freight trains out of Salida, the same place? How does your rate of pay per day compare with the firemen who fire on these engines on the standard gauge, running out of Salida?

Mr. Crylie: The firemen on the standard gauge, on the 220 class engines, get $3.20 for 61 miles.

Mr. Byram: And you get $3.20 for 74 miles?

Mr. Crylie: I get $3.05 for 44 miles on this grade; or $3.05 for 85 miles on the lighter grade.

Mr. Byram: He gets 15 cents a day more than you do?

Mr. Crylie: That is, taking it per day, yes, sir.

Mr. Byram: Comparatively, I mean; I know it is not exact but that is the relation. I was trying to get the relation between the pay of the firemen on the standard gauge and on your engine. How much do they take, or do you know how much they haul out of Salida on the standard gauge?

Mr. Crylie: I think those 220 class engines are rated at 850 tons on their drag trains.

Mr. Byram: That is one engine?

Mr. Crylie: Yes, sir.

Mr. Byram: And your engine is rated at 165 tons on your grade?

Mr. Crylie: Yes, sir.

Mr. Byram: That is all.

Mr. Park: What is the altitude of the Tennessee Pass?

Mr. Crylie: Well, I don't remember just what the altitude of Tennessee Pass is.

Mr. Park: Is it lower than Marshall Pass?

Mr. Crylie: I don't remember what the altitude is; I couldn't say.

Mr. Carter: You do not work over Tennessee Pass, do you?

Mr. Crylie: Not regularly, no, sir.

Mr. Carter: That is the reason you are not familiar with the altitude?

Mr. Crylie: Yes, sir.

Mr. Carter: Mr. Byram, of the Board, just now asked you questions in regard to the rate; and you told him that you got so much for so many miles. You did not mean that you got that much for so many miles, but you got that rate for so many miles?

Mr. Crylie: Well, that would be the rate, yes, sir.

Mr. Carter: That is, you would not get that $3.05 for 44 miles; you would get the rate he mentioned; you would not get that amount of money for the number of miles you mentioned?

Mr. Crylie: If I made 44 miles on that grade I would get $3.05.

Mr. Carter: For the 44 miles?

Mr. Crylie: For the 44 miles, yes, sir.

Mr. Carter: How much do you get for going from Salida to Gunnison?

Mr. Crylie: I get $3.82.

Mr. Carter: Then you only get about 40 cents for the rest of the trip; is that it?

Mr. Crylie: 35 miles between Salida and Gunnison is on that grade that pays at the rate of $3.05 for 44 miles.

Mr. Carter: That is what I mean. You do not mean you get this money, but you are paid at the rate of this money; according to this you would get about six, eight or ten dollars, if for five miles you got 3.45, and for 40 miles you got 3.50. You did not mean that?

Mr. Crylie: No.

Mr. Carter: You meant to say this was the rate you got on that mileage, is that true?

Mr. Crylie: Yes, sir.

Mr. Carter: You get a higher rate, do you not, on this district than you would on the valley?

Mr. Crylie: Yes, sir.

Mr. Carter: Do you know whether the railroad gets a higher rate for the work which it performs on this mountain grade?

Mr. Crylie: I don't know just what their rates are, but I have heard passengers, when they spoke of Marshall Pass, say, that is that six-cents-a-mile road.

Mr. Carter: Then the railroad and the public recognize that there are unusual conditions there?

Mr. Crylie: I think so.

Mr. Carter: The scenery is worth something.

Mr. Crylie: It is, to the passengers, I expect.

Mr. Carter: Is it worth much to the fireman?

Mr. Crylie: I would not care for it any; no, sir.

Mr. Carter: A few moments ago, Mr. Sheean, asking you questions concerning this passenger service between Salida and Alamosa, asked you if this passenger train did not run partly over the track where they paid 6.93 per mile, and you said yes. Does that passenger train fireman get 6.93 per mile?

Mr. Crylie: He gets 6.07 per mile.

Mr. Carter: When did you run an engine, when were you an engineer?

Mr. Crylie: I was promoted in 1909, in August.

Mr. Carter: How much did you say you ran?

Mr. Crylie: I think it would figure about a year and a half altogether.

Mr. Carter: Now, what are you doing?

Mr. Crylie: Firing.

Mr. Carter: How many firemen are older than you, there, now?

Mr. Crylie: I believe there are about eleven.

Mr. Carter: At this rate, how long do you think it would be before you would have a regular freight engine to run as an engineer?

Mr. Crylie: Well, I had not figured that up.

Mr. Carter: That is all.

Mr. Sheean: When did you last run an engine as engineer?

Mr. Crylie: Regularly?

Mr. Sheean: Oh, in any way; I do not know the distinction between what is regular and irregular.

Mr. Crylie: What I mean is if I was promoted to an engineer or made a trip, would just catch a trip.

Mr. Sheean: When did you last make a trip as engineer?

Mr. Crylie: In October, I believe, I made one trip, from Salida to Marshall Pass and back.

Mr. Sheean: That is October, 1914?

Mr. Crylie: This year, yes, sir.

Mr. Sheean: This last October?

Mr. Crylie: Yes, sir.

Mr. Sheean: Do you remember whether you made any trips in September?

Mr. Crylie: I don't believe I did; no, sir.

Mr. Sheean: Well, preceding that, how far back of October was it that you ran as engineer?

Mr. Crylie: Well, in January and February I made some trips as an engineer, piloting the rotary, and a few trips I ran an engine; but I would figure that, probably, this year, I had run an engine twelve or fourteen trips.

Mr. Sheean: That is, you mean the year from January to January?

Mr. Crylie: Of this year.

Mr. Sheean: The whole year of 1914, practically?

Mr. Crylie: Yes, sir.

Mr. Sheean: Did you not run an engine in May last, pretty regularly?

Mr. Crylie: No, sir; I do not believe I made a trip in May of this year.

Mr. Sheean: You were firing all of that month?

Mr. Crylie: I think I fired that whole month, yes, sir.

Mr. Sheean: But throughout the last year while you were firing, you have caught occasional trips as engineer?

Mr. Crylie: Yes, sir; you catch a trip occasionally, if they run out of engineers, they call the oldest man there that has run an engine, that has been promoted, and he will make the trip.

Mr. Sheean: I did not quite get as to how many trips you thought you made as engineer during the past year.

Mr. Crylie: I believe twelve or fourteen trips would cover it for this year.

Mr. Sheean: I want to get this rate straightened out again, if we can, on the Denver & Rio Grande.

Mr. Crylie: All right.

Mr. Sheean: The Denver & Rio Grande is divided into certain territories there, is it not, in its schedule, a certain number of miles constituting a day; 44 miles would pay this $3.05 rate in certain territory.

Mr. Crylie: That is the way the schedule is fixed up, Mr. Sheean.

Mr. Sheean: And in other places there are 60 and 61 and 65 miles—

Mr. Crylie: There is no 60 or 61 miles on this division I am working on, on this district. All there is, is 44 and 85 miles.

Mr. Sheean: Now, on this running first in and first out, with the three engines starting out of Salida, in case any one of those three engines puts in 44 miles on this four per cent grade, he is paid $3.05 for it, is he not?

Mr. Crylie: Yes, sir; six cents and nine mills, the rate for the 44 miles would figure $3.05.

Mr. Sheean: Starting out of Salida, there is a distance of about five miles there that takes a rate of $3.58 per mile, is there not?

Mr. Crylie: Yes, sir.

Mr. Sheean: Then, you have a 35 mile district that takes a rate of 6.93, up and down?

Mr. Crylie: Yes, sir.

Mr. Sheean: And a person who happens to be up and down and in that 44 mile district receives $3.05 for every 44 miles he runs, or, putting it the other way, he receives 6.93 cents per mile?

Mr. Crylie: For each mile he makes on this four per cent grade, of that 35 miles; yes, sir.

Mr. Sheean: Now, what is the altitude at Salida?

Mr. Crylie: 7,050, I believe.

Mr. Sheean: So that you go up a distance of about 3,000 feet, something over 3,000 feet, to the top of Marshall Pass?

Mr. Crylie: Yes, sir.

Mr. Sheean: And climb that 3,000 feet in a distance of about how many miles?

Mr. Crylie: 26 miles.

Mr. Sheean: That is all.

Mr. Nagel: Do you generally make your trip within the regular time?

Mr. Crylie: In the summer months we make the trip in our schedule time, yes, sir. In the winter months, and along in the fall, when there are more trains, we make more or less overtime.

Mr. Nagel: In other words, you do it when you can?

Mr. Crylie: Oh, yes.

Mr. Nagel: You have a half hour rule, you say. Does the application of that rule result in favor of the road as often as it does in your favor?

Mr. Crylie: Yes, sir; for instance, at a turn-around point, say Marshall Pass, if you are turning from either direction, we often go in there and lay twenty-five minutes or twenty-eight minutes, and we do not get anything for that. If we lay there thirty-two minutes or thirty minutes we do get an hour.

Mr. Nagel: In other words, you come in just below the half hour as often as you exceed it?

Mr. Crylie: I believe, that in practical operation, we come in below the thirty minutes oftener than we get the thirty minutes. I would not say exactly.

Mr. Nagel: Well, that is the general rule?

Mr. Crylie: I think so, yes, sir.

Mr. Byram: This engine that you run, 105,000 pounds on the drivers, for which you get from $3.05 to $3.20, what rate would an engine of the same weight on drivers or a similar capacity pay on the valley service?

Mr. Crylie: We get $3.05 as our day's pay; we do not get $3.20 any time for a day.

Mr. Byram: All right, $3.05, then. What rate of pay would an engine of similar capacity pay on the lighter grade, on the standard gauge lines?

Mr. Crylie: The Rio Grande has got eleven classes of engines, I believe, that are lighter than these, that pay a higher rate.

Mr. Byram: That pay a higher rate on the valley service?

Mr. Crylie: Yes, sir.

Mr. Byram: So you do not get a higher rate than the same engine would get in valley service?

Mr. Crylie: How is that?

Mr. Byram: You do not get a higher rate on this narrow gauge engine than an engine of the same capacity would earn for a fireman on valley service; you get a lower rate than an engine of the same capacity?

Mr. Crylie: On the standard gauge?

Mr. Byram: On the standard gauge, in the valley; is that right?

Mr. Crylie: Yes, sir, we get a lower rate; or the mountain, either.

Mr. Byram: That is all.

Mr. Carter: In reply to a question from Mr. Sheean, you mentioned a rotary plow. What do you do with rotaries up there in the mountains?

Mr. Crylie: Through the winter they keep a rotary going pretty regularly, to keep the snow off from the tracks, so they can operate their trains.

Mr. Carter: You have plenty of snow there, do you?

Mr. Crylie: Yes, we have considerable snow.

Mr. Park: Did this coal strike affect your business, the one that has been on for a year or so in Colorado?

Mr. Crylie: Yes, sir; it affected it some.

Mr. Park: That has caused a slackening of the business?

Mr. Crylie: More or less, yes, sir.

Mr. Park: How often do you operate the rotary plows? Do they keep them out continuously?

Mr. Crylie: Well, we come back into Salida after a trip; they will generally run it out in the morning and some time that night or next day you will get back into Salida with it.

Mr. Park: Do they use you on the rotary?

Mr. Crylie: Use me personally, you mean?

Mr. Park: Yes.

Mr. Crylie: Yes, sir.

Mr. Park: Your engines go out and operate the rotary?

Mr. Crylie: Yes, we catch them in our turn, with a freight train.

Mr. Park: What are you paid for that service?

Mr. Crylie: The same as the other.

Mr. Park: The same as the road service?

Mr. Crylie: Yes, sir.

Mr. Park: How many engines do you use on that?

Mr. Crylie: That depends on the snow; they generally work three engines on that rotary.

Mr. Carter: Does this snow season last very long up there? How early does the snow begin to block the tracks there, so you have to move it?

Mr. Crylie: We have more or less trouble with snow, that is, serious trouble, for four months in the year, so that we get stuck and run flanges and snow plows and the rotary.

Mr. Shea: Mr. Crylie, did you ever fire a standard gauge engine of about the same weight on drivers as the narrow gauge which you are firing now?

Mr. Crylie: No, sir, I don't believe I have; not on the road.

Mr. Shea: Did you ever fire a standard gauge engine?

Mr. Crylie: Yes, sir.

Mr. Shea: What I wanted to bring out was this: I wanted to find out whether it was as convenient for a fireman to fire a narrow gauge engine as it is to fire a standard gauge engine. What I mean is, do you have as much room in the cab to get around, on the narrow gauge engine as you do on the standard gauge engine?

Mr. Crylie: This class of engine that we are working, you do; but on the small class of narrow gauge engines that they work everywhere else on this narrow gauge system except where we are working, they have small cabs, and it is close between the tank and the cab; in fact, when the door is open you cannot go out between the door and the leg of the tank, and consequently it is harder to get coal into the fire box than it is where you have more room to swing around.

Mr. Shea: I just wanted to ask one more question. Mr. Byram, in asking a few questions, tried to compare the duty, I believe, of a fireman firing a narrow gauge engine and hauling narrow gauge cars, compared with the standard gauge cars. Is it not just as hard for a fireman to fire a train of narrow gauge cars as it is if he was hauling standard gauge cars, so far as the firing is concerned?

Mr. Crylie: The same amount of tonnage would require the same power, whether it was narrow gauge or standard gauge.

Mr. Shea: It would not make any difference whether the cars were loaded or unloaded, would it?

Mr. Crylie: No, sir.

Mr. Shea: So far as the labors of the fireman are concerned?

Mr. Crylie: No, sir.

Mr. Shea: That is all.

Mr. Park: Mr. Crylie, do you have any seniority rights on the broad gauge?

Mr. Crylie: No, sir.

Mr. Park: Did you ever have?

Mr. Crylie: No, sir.

Mr. Park: You have always been in the narrow gauge work?

Mr. Crylie: Yes, sir.

The Chairman: Anything further?

Mr. Sheean: There is one question I forgot to ask Mr. Crylie.

RE-CROSS EXAMINATION.

Mr. Sheean: On these turn-around trips, where the helpers drop off, or on any of the turn-around trips, is there a provision in the schedule that in case you are held more than a certain length of time before you start the return trip, by which you are paid.

Mr. Crylie: Not where I am working there is not.

Mr. Sheean: On none of these runs out of Salida?

Mr. Crylie: Why, except in this way: If you make two trips in the day it changes your rate; but as for an hour or two hours after your arrival there, we haven't any of those.

Mr. Sheean: If you are held at the turn-around point beyond a certain length of time, how is it?

Mr. Crylie: Well, for instance, a trip from Salida to Marshall Pass and return to Salida?

Mr. Sheean: Or, going to Sargent and then returning from Sargent to the top of Marshall Pass.

Mr. Crylie: At Sargent, an intermediate terminal, we would not get any time there at all. We would be off duty and would not get any time.

Mr. Sheean: Well, to the top of Marshall Pass and return?

Mr. Crylie: If we went from Salida to Marshall Pass and returned to Salida, if we were held thirty minutes we would get an hour at this point.

Mr. Sheean: So that in case one of the helpers, or both of the helpers, were disconnected at the top of the pass and returned down to Salida, but there was more than half an hour between the time that you were uncoupled and the time that you started upon your return, you would be paid that in addition to the mileage of the trip?

Mr. Crylie: Yes, sir.

Mr. Sheean: And in addition to the minimum day in case you did not do any other work there?

Mr. Crylie: On that trip you would earn more than the minimum day.

Mr. Sheean: You would earn more than the $3.05?

Mr. Crylie: Yes, sir.

Mr. Sheean: But, in addition to the full mileage for that trip, paid, all of it, except the first five miles, at the rate of 6.93 per mile, in addition to that mileage you would be paid overtime for all time held at the top of the pass, if it exceeded one-half hour?

Mr. Crylie: Yes, sir.

Mr. Sheean: That is all.

The Chairman: You may stand aside.

(Witness excused.)

O. F. MODENBACH was called as a witness, and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence.

Mr. Modenbach: O. F. Modenbach, El Reno, Oklahoma.

Mr. Carter: What is your occupation?

Mr. Modenbach: Locomotive fireman.

Mr. Carter: On what railroad?

Mr. Modenbach: The Rock Island.

Mr. Carter: Chicago, Rock Island & Pacific Railroad?

Mr. Modenbach: Yes, sir, Chicago, Rock Island & Pacific.

Mr. Carter: When were you employed by the Chicago, Rock Island & Pacific Railway?

Mr. Modenbach: On November 2, 1907.

Mr. Carter: November 2, 1907?

Mr. Modenbach: Yes, sir.

Mr. Carter: Then you have about seven years seniority as a fireman?

Mr. Modenbach: Yes, sir.

Mr. Carter: On what division are you employed?

Mr. Modenbach: On the Oklahoma Division.

Mr. Carter: Between what points?

Mr. Modenbach: El Reno and Caldwell, Kansas, north; and El Reno and Waurika, south.

Mr. Carter: After seven years as a fireman, what is your present position on the firemen's seniority list?

Mr. Modenbach: I am an extra fireman.

Mr. Carter: How far up this ladder of opportunity did you ever climb?

Mr. Modenbach: Well, forty.

Mr. Carter: You got up as high as fortieth from the top?

Mr. Modenbach: Yes, sir.

Mr. Carter: And now you are back where?

Mr. Modenbach: I am about forty-five, I think.

Mr. Carter: After seven years?

Mr. Modenbach: Yes, sir.

Mr. Carter: Have you ever noticed any large engines being introduced on your division?

Mr. Modenbach: No, sir, they have not been.

Mr. Carter: The same engines are there now as when you went there?

Mr. Modenbach: Yes, sir.

Mr. Carter: Are they pulling any more tonnage now than when you went there?

Mr. Modenbach: Yes, sir.

Mr. Carter: About how much more? Name an engine now.

Mr. Modenbach: Our 1,700 class, 23 by 28-inch cylinder, 177,300 pounds on drivers; when I first came there, they were pulling 1,650 tons north, and about the same the other way; and now, it is 2,200 tons north and 2,400 to 2,800 tons south.

Mr. Carter: This increase in tonnage has made it possible for three or four firemen to do the work of four or five formerly, is that not true?

Mr. Modenbach: Yes, sir.

Mr. Carter: Do you think that has had anything to do with putting you back on the firemen's list?

Mr. Modenbach: I think so.

Mr. Carter: You fire between El Reno and Caldwell?

Mr. Modenbach: Yes, sir.

Mr. Carter: How far is that?

Mr. Modenbach: One hundred and seven miles.

Mr. Carter: How long does it take you generally, to go over that 107 mile division?

Mr. Modenbach: It takes from twelve to fourteen hours.

Mr. Carter: Of course, you have some trips that are shorter, occasionally?

Mr. Modenbach: Yes, occasionally, and very occasionally.

Mr. Carter: And you have some trips occasionally that are longer?

Mr. Modenbach: Yes, sir.

Mr. Carter: You think, however, that twelve or thirteen hours would be a general average?

Mr. Modenbach: That is about the general average.

Mr. Carter: About how much coal would you ordinarily burn on an average trip?

Mr. Modenbach: On an average trip it would be about fifteen or sixteen tons.

Mr. Carter: From El Reno to Waurika, how far is that?

Mr. Modenbach: One hundred and one miles.

Mr. Carter: About how long are you, usually, making that one hundred and one miles?

Mr. Modenbach: We are usually making that in about the same time.

Mr. Carter: What is that?

Mr. Modenbach: Twelve to thirteen hours.

Mr. Carter: Twelve to thirteen hours?

Mr. Modenbach: Yes, sir.

Mr. Carter: About how much coal are you burning on this trip?

Mr. Modenbach: About fifteen tons.

Mr. Carter: And this coal that you burn, how much do you handle twice, of the fifteen tons?

Mr. Modenbach: Well, I would handle eight or nine tons twice.

Mr. Carter: When the tonnage of these engines was considerably lighter, did you go over the road faster?

Mr. Modenbach: Yes, sir.

Mr. Carter: Was there ever a time that you would make miles on this division; that is, make 101 miles in less than ten hours?

Mr. Modenbach: Yes, sir, we used to do it.

Mr. Carter: You used to get over this division on a mileage basis?

Mr. Modenbach: Yes, sir.

Mr. Carter: And sometimes get a full day's pay for less than ten hours?

Mr. Modenbach: Yes, sir.

Mr. Carter: That increased your rate per hour, did it not?

Mr. Modenbach: Yes, sir, it did.

Mr. Carter: Now, with your additional tonnage, you have to work on an hourly basis at the rate named in the schedule?

Mr. Modenbach: Yes, sir.

Mr. Carter: Therefore, has this been a reduction of wages?

Mr. Modenbach: Yes, sir.

Mr. Carter: It has been a reduction of wages?

Mr. Modenbach: Yes, sir.

Mr. Carter: Or earning capacity?

Mr. Modenbach: Yes, sir.

Mr. Carter: If you got three dollars for going one hundred miles in ten hours, the rate would be thirty cents an hour, would it not?

Mr. Modenbach: Yes, sir.

Mr. Carter: And if you went over the road in five hours, the rate would be sixty cents an hour, would it not?

Mr. Modenbach: Yes, sir.

Mr. Carter: But, if you went over the road in twelve hours, the rate would be thirty cents?

Mr. Modenbach: Yes, sir.

Mr. Carter: Therefore, if the introduction of tonnage has changed your basis of pay from mileage to hours, it has been a reduction in your rate of pay, has it not?

Mr. Modenbach: Yes, sir.

Mr. Carter: And has affected your earnings, has it?

Mr. Modenbach: Yes, sir.

Mr. Carter: Would you be required to work much harder to earn a big pay check, working on an hourly basis, than if working on a mileage basis, where the speed of the train is faster than ten miles per hour?

Mr. Modenbach: Yes, sir, you would have to work harder.

Mr. Carter: And, longer, to earn the check?

Mr. Modenbach: Yes, sir.

Mr. Carter: Have you noticed the heat of the fire box being very intense on these freight engines?

Mr. Modenbach: Yes, sir.

Mr. Carter: Well, how hot is it?

Mr. Modenbach: Well, I don't know how hot it is. I have never had a thermometer on it. It would get hot enough to burn your clothes. You cannot wear leather gloves at all; you have to wear cotton gloves.

Mr. Carter: The reason I am repeating your answers is that I am afraid the Board cannot hear you. Now, you say that it is so hot that it burns leather gloves?

Mr. Modenbach: Yes, sir.

Mr. Carter: Have you had much experience in being held away from home?

Mr. Modenbach: Yes, sir, I have.

Mr. Carter: About how much are you usually held away from home at the distant terminal?

Mr. Modenbach: Usually held away from sixteen to eighteen hours, or twenty-two hours.

Mr. Carter: Who is paying your expenses while you are laying at Waurika, or Caldwell, for twenty-two hours?

Mr. Modenbach: I am paying my own expenses.

Mr. Carter: Are you earning any money—are you in the company's pay while you are doing this?

Mr. Modenbach: No, sir.

Mr. Carter: Is it not possible, while not probable, that you could be detained so much at the away from home terminal that it would require all the money that you received from the company for the work you did to pay your expenses?

Mr. Modenbach: Yes, sir.

Mr. Carter: Then, as the length of time held away from

home increases, so does it affect, in like proportion, the total expense for the month?

Mr. Modenbach: Yes, sir, it does.

Mr. Carter: As another feature of this request for held away from home terminal—does it give a man with a family an opportunity to be with his family more?

Mr. Modenbach: No, sir, it does not. It does not give him any time with his family at all.

Mr. Carter: That is, when he is held away from home?

Mr. Modenbach: Yes, sir.

Mr. Carter: But, if by any process, the delay between trips was at the home terminal instead of at the distant terminal, you would have more time with your family, would you not?

Mr. Modenbach: Yes, sir.

Mr. Carter: About how much time do you use in preparatory work?

Mr. Modenbach: Well, we use about forty-five minutes.

Mr. Carter: About how much time is lost at the end of the trip?

Mr. Modenbach: At the end of the trip, about thirty minutes.

Mr. Carter: Do you get paid for this?

Mr. Modenbach: No, sir.

Mr. Carter: Suppose your time runs into overtime, do you get paid for it?

Mr. Modenbach: No, sir.

Mr. Carter: Not on the Rock Island?

Mr. Modenbach: No, sir.

Mr. Carter: Are you delayed sometimes, after your train is due to leave—do you have what we call terminal delay, in addition to being held away from home?

Mr. Modenbach: Terminal delay after one full hour; we are allowed one full hour, or ten miles.

Mr. Carter: What would be the average of the delay to the train, from your observation, after it has been called to leave?

Mr. Modenbach: About thirty-four minutes or thirty-five minutes is the average delay.

Mr. Carter: You figure it that the trains leaving this point

have an average of about thirty-four or thirty-five minutes delay?

Mr. Modenbach: Yes, sir.

Mr. Carter: That is not paid for by the company, is it?

Mr. Modenbach: No, sir.

Mr. Carter: Do you know anything about these surprise tests the engineers were talking about?

Mr. Modenbach: Yes, sir.

Mr. Carter: Now, will you explain to the Board the nature of these surprise tests, so that they can understand them?

Mr. Modenbach: Well, I had experience with one surprise test while drifting down the hill at Dover.

Mr. Carter: Now, say that again and say it loud, so they can hear you.

Mr. Modenbach: While drifting down the hill at Dover—it is in a river bottom, and it was snowing and foggy like, so that we could not see the switch stand only about ten car lengths away, and when we first noticed it, when the engineer noticed it, he said, "There is a red switch light. Somebody left a switch open," or something like that, and he set his brake in emergency, and said, "Get off." So we both got off.

Mr. Carter: How did you get off; did you walk down?

Mr. Modenbach: I got off on my nose.

Mr. Carter: You jumped in the ditch, did you not?

Mr. Modenbach: Yes, sir.

Mr. Carter: Did it hurt you?

Mr. Modenbach: It skinned my nose.

Mr. Carter: And your body?

Mr. Modenbach: Yes, sir.

Mr. Carter: Shook you up pretty badly?

Mr. Modenbach: Yes, sir.

Mr. Carter: If there had been a tie or a rock in the ditch, what would have happened to you?

Mr. Modenbach: Probably have hurt me seriously.

Mr. Carter: Or probably killed you?

Mr. Modenbach: Yes, sir.

Mr. Carter: How did the engineer get down?

Mr. Modenbach: He got down likewise. He went up against the whistle board.

Mr. Carter: What did he do to the whistle board?

Mr. Modenbach: Didn't damage the whistle board, but fractured his collar bone.

Mr. Carter: Put him in bed for a time?

Mr. Modenbach: Yes, sir.

Mr. Carter: Who turned this switch lamp red?

Mr. Modenbach: The trainmaster.

Mr. Carter: What did they do to the trainmaster?

Mr. Modenbach: Nothing.

Mr. Carter: Don't you think there should be a law putting him in jail for doing anything of that kind?

Mr. Modenbach: I think so.

Mr. Carter: There being no law, don't you think this Board should render an award, prohibiting a repetition of this practice?

Mr. Modenbach: Yes, sir.

The Chairman: In a case like this, does the engineer reverse and set his air brake?

Mr. Modenbach: He just set his brake in emergency. He did not reverse her.

Mr. Carter: Will you explain that the reversing of an engine slides the wheels and has a tendency to reduce the braking power?

Mr. Modenbach: Yes, sir.

Mr. Carter: And there is higher braking power, is there not, by just simply putting the brake in the emergency position?

Mr. Modenbach: Yes, sir.

Mr. Carter: Why didn't you see this red switch light before you got so close to it?

Mr. Modenbach: Well, on account of the snow and foggy like.

Mr. Carter: Was this a passenger or freight train?

Mr. Modenbach: This was a freight train.

Mr. Carter: How long was the engineer off duty?

Mr. Modenbach: Well, he lost several weeks.

Mr. Carter: Of course, the company paid him for those several weeks?

Mr. Modenbach: No, sir, it did not.

Mr. Carter: And after nearly killing him, this trainmaster didn't even say a kind word for his wages?

Mr. Modenbach: No, sir, I don't think so.

Mr. Carter: Now, about what have been your wages, when you are not jumping from engines?

Mr. Modenbach: An average of about $63.

Mr. Carter: For the last year?

Mr. Modenbach: For the last year.

Mr. Carter: That is because you are on the extra list, is it not?

Mr. Modenbach: Yes, sir.

Mr. Carter: How much did you make, as an average, in the year 1913, when you had a regular run in the pool?

Mr. Modenbach: Well, I never averaged any more, I don't think.

Mr. Carter: You never made very much more wages, you think?

Mr. Modenbach: No, sir.

Mr. Carter: Why? Did you lay off once in a while?

Mr. Modenbach: I laid off once in a while to get my rest.

Mr. Carter: Did you lay off because you felt it was necessary for recuperation?

Mr. Modenbach: Yes, sir.

Mr. Carter: You didn't lay off because you were lazy?

Mr. Modenbach: No, sir.

Mr. Carter: Did you ever take a lengthy vacation?

Mr. Modenbach: I have not, only when I was cut off the board.

Mr. Carter: That is quite a vacation?

Mr. Modenbach: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: When was this surprise test, Mr. Modenbach?

Mr. Modenbach: This was in 1909, I think it was, in the winter of 1909.

Mr. Sheean: In the winter of 1909?

Mr. Modenbach: About January.

Mr. Sheean: January, 1909?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And where was the point?

Mr. Modenbach: At Dover.

Mr. Sheean: Dover?

Mr. Modenbach: Yes, sir.

Mr. Sheean: What was the name of the engineer?

Mr. Modenbach: Thompson.

Mr. Sheean: Is he still working for the Rock Island?

Mr. Modenbach: No, sir, he is not.

Mr. Sheean: When did he leave the service of the Rock Island?

Mr. Modenbach: I don't know when he did leave.

Mr. Sheean: At the point where this red light appeared, what was the condition of the track as to being straight or curved?

Mr. Modenbach: It was a straight track.

Mr. Sheean: Straight for what distance?

Mr. Modenbach: Well, for a distance of about four miles.

Mr. Sheean: You spoke of being right near a whistle board. What was the whistle board for?

Mr. Modenbach: For the crossing.

Mr. Sheean: Crossing of another railroad?

Mr. Modenbach: No, sir, a road crossing.

Mr. Sheean: A highway crossing?

Mr. Modenbach: Yes, sir, a highway crossing.

Mr. Sheean: Was this switch light which was turned, a facing switch or a trailing switch?

Mr. Modenbach: It was a passing track switch.

Mr. Sheean: Passing track switch?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And on which end of that passing track was it, the first end that you approach, or the far end?

Mr. Modenbach: On the first end.

Mr. Sheean: A facing switch then, was it?

Mr. Modenbach: Facing switch, yes, sir. The light was turned on the frogs and the switch was not turned.

Mr. Sheean: So that it would indicate to you, as you came along there, that you would go in on that siding?

Mr. Modenbach: Yes, sir.

Mr. Sheean: On the switch track?

Mr. Modenbach: On the passing track.

Mr. Sheean: On to the passing track?

Mr. Modenbach: Yes, sir.

Mr. Sheean: What time of the night was this?

Mr. Modenbach: This was about two or three o'clock in the morning, something like that.

Mr. Sheean: Was this passing track always supposed to be clear?

Mr. Modenbach: Yes, sir, always supposed to be clear.

Mr. Sheean: It was a passing track?

Mr. Modenbach: It was a passing track.

Mr. Sheean: What harm would it do, to run in onto this passing track, so far as your personal safety was concerned, if the switch was set as the light indicated?

Mr. Modenbach: There would not be any engine go on this passing track without taking on across the country.

Mr. Sheean: What is it?

Mr. Modenbach: There would not be any engine go on this passing track switch without going off and going down in the ditch.

Mr. Sheean: How long was this passing track?

Mr. Modenbach: I think it held about sixty-five or seventy cars, something like that.

Mr. Sheean: Sixty-five or seventy cars?

Mr. Modenbach: Yes, sir.

Mr. Sheean: About what was your speed, as you approached it?

Mr. Modenbach: We were going about 20 to 25 miles an hour.

Mr. Sheean: With a freight train?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Is that part of this same division where you are usually on overtime?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Is this on a level track or down grade?

Mr. Modenbach: It is on a down grade for a couple of miles there.

The Chairman: Is a passing track a side track at a place other than a station—out on the line somewhere?

Mr. Modenbach: Yes, sir.

The Chairman: That is what you mean by a passing track?

Mr. Modenbach: Yes, sir, that is what I mean by a passing track.

Mr. Sheean: A passing track is kept clear so that trains may pass, on this single track railroad?

Mr. Modenbach: Yes, sir.

Mr. Sheean: I do not quite get, Mr. Modenbach, what danger there was to you and the engineer to run in on this passing track, if the switch was in fact open, as the switch light indicated?

Mr. Modenbach: Well, the engine hitting the curve going into the passing track more than likely would turn a rail.

Mr. Sheean: What is the curve of this passing track?

Mr. Modenbach: I don't know what it is.

Mr. Sheean: Are you not, in approaching passing sidings upon the main line, under the rules, required to have your train in such control that you can take the siding?

Mr. Modenbach: Providing you meet a train, yes, sir.

Mr. Sheean: Did you approach this passing siding at a speed that would enable you to take the siding at that point?

Mr. Modenbach: No, sir, I think we would be going too fast there; we wouldn't take the siding.

Mr. Sheean: Then you were at the time operating at a speed prohibited by the rules of the company?

Mr. Modenbach: I don't think so.

Mr. Sheean: Are you not required to approach these sidings at a speed that will enable you to go in on the siding if necessary?

Mr. Modenbach: I don't know. If it becomes necessary or I have orders to meet anything, why, of course. We didn't have anything to meet there at all; we were not expecting anything there.

Mr. Sheean: Except for the night being a foggy night, you say the track was straight for a distance of about four miles?

Mr. Modenbach: Yes, sir.

Mr. Sheean: The light was burning brightly, was it?

Mr. Modenbach: Yes, the light was burning.

Mr. Sheean: On the engineer's side.

Mr. Modenbach: On the engineer's side.

Mr. Sheean: How close to this light was it when he first told you that the switch light was thrown?

Mr. Modenbach: About ten car lengths.

Mr. Sheean: Ten car lengths?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Did the train in fact come to a stop before it got to the passing siding?

Mr. Modenbach: No, sir, it did not.

Mr. Sheean: How far beyond the switch light did it run?

Mr. Modenbach: I judge about twenty or twenty-five cars, something like that.

Mr. Sheean: What was the name of the trainmaster who placed the light there?

Mr. Modenbach: His name was Clark.

Mr. Sheean: Is he still with the Rock Island?

Mr. Modenbach: I don't know where he is.

Mr. Sheean: He was then trainmaster of that division?

Mr. Modenbach: Yes, sir, he was trainmaster of that division.

Mr. Sheean: Do you know where he is now?

Mr. Modenbach: No, I do not.

Mr. Sheean: And you don't know where Mr. Dover, the engineer, is now?

Mr. Modenbach: Who?

Mr. Sheean: Or Mr. Thomas, the engineer.

Mr. Modenbach: Thompson.

Mr. Sheean: Thompson?

Mr Modenbach: No, I don't know where he is.

Mr. Sheean: What are you paid on one of these runs between the 107-mile terminals that you have described?

Mr. Modenbach: What are we paid?

Mr. Sheean: Yes, upon a run made in less than ten hours, how much do you receive in money for it?

Mr. Modenbach: On 107 miles we receive $3.85 for the 107 miles.

Mr. Sheean: $3.87?

Mr. Modenbach: $3.85.

Mr. Sheean: $3.85?

Mr. Modenbach: Yes, at the rate of $3.60 per hundred.

Mr. Sheean: So that if your pay averages $65 a month you are making fewer than nine round trips per month?

Mr. Modenbach: Yes, sir, I think so.

Mr. Sheean: How many firemen were ahead of you at the time you were employed as a fireman?

Mr. Modenbach: I think there were about eighty.

Mr. Sheean: About eighty?

Mr. Modenbach: Yes, sir.

Mr. Sheean: How long did you continue on the extra list there, following your first employment?

Mr. Modenbach: Well, I continued there until 1912, I think it was, that I had a regular turn about a month, and that is as long as I have had a regular turn.

Mr. Sheean: Then, from the time that you entered the employ there, or at the time you entered the employ, you knew there were eighty firemen ahead of you?

Mr. Modenbach: Yes, sir, something like that.

Mr. Sheean: In line for promotion?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And you knew that the opportunity for promotion was governed by the seniority rules existing on that line?

Mr. Modenbach: Yes, sir.

Mr. Sheean: From the time that you entered the employ down to 1912 those ahead of you had not dropped out of service or been promoted so as to give you any regular employment?

Mr. Modenbach: No, sir.

Mr. Sheean: You were on the extra list during all of that time?

Mr. Modenbach: I was on the extra list.

Mr. Sheean: Then, in 1912, you first went on the extra board as extra fireman?

Mr. Modenbach: No.

Mr. Sheean: I mean you first became a regular fireman.

Mr. Modenbach: Yes, sir, for a while.

Mr. Sheean: And stayed there how long?

Mr. Modenbach: About a month, I think, was as long as I had it.

Mr. Sheean: Since that time you have been on the extra board?

Mr. Modenbach: Yes, sir, and switch engines, set back.

Mr. Sheean: Have you your earnings during the last year?

Mr. Modenbach: I have.

Mr. Sheean: From month to month?

Mr. Modenbach: Yes.

Mr. Sheean: Can you give the number of days that you laid off of your own accord?

Mr. Modenbach: No, I don't give the number of days that I laid off of my own accord, but I never laid off unless it was in case of sickness or rest.

Mr. Sheean: Can you tell how many days you laid off there because of sickness, or because you wanted rest?

Mr. Modenbach: No, I couldn't give that.

Mr. Sheean: Can you give us the dates on which you made the runs?

Mr. Modenbach: Yes, I can give you the dates.

Mr. Sheean: What were your total earnings during the last year?

Mr. Modenbach: Beginning with January, my total earnings was an average of $63. I can look in my time book and see how it was every month.

Mr. Sheean: Can you give us the number of days that you worked?

Mr. Modenbach: I could, by figuring it out.

Mr. Sheean: But you have not done that now?

Mr. Modenbach: No.

Mr. Sheean: You haven't it readily accessible now?

Mr. Modenbach: No.

The Chairman: Mr. Sheean, inasmuch as you have the record, would it not facilitate the examination by refreshing his memory by calling his attention to it?

Mr. Sheean: I haven't his earnings for the year.

The Chairman: You have not?

Mr. Sheean: No.

The Chairman: I presumed that you had it.

Mr. Sheean: I thought perhaps you could tell from month to month what the earnings were.

Mr. Modenbach: I can look in my time book and give it to you if you want it.

Mr. Sheean: Well, for the month of January, if you can give us the number of days worked and the number of days you laid off.

Mr. Modenbach: I don't know how many days I laid off.

Mr. Sheean: Have you kept any record at all which would

indicate whether, at the completion of a trip, you laid off any particular number of days?

Mr. Modenbach: No, I have not.

Mr. Sheean: And whether or not you could have had greater earnings during that month, have you kept any such record as that?

Mr. Modenbach: No, sir.

Mr. Sheean: Of course, if you laid off you might lose your place in the pool?

Mr. Modenbach: Well, I have never had any pool turn.

Mr. Sheean: You had no pool turn during any of this time?

Mr. Modenbach: No, sir.

Mr. Sheean: You would lose your opportunity of being called as an extra man, would you not?

Mr. Modenbach: Well, until I report again for work.

Mr. Sheean: And, then, when you reported again, you would have to go to the foot of the list, wouldn't you?

Mr. Modenbach: Yes, sir.

Mr. Sheean: So that laying off for three or four or five days might result in the loss of a good many more days work, than that, might it not?

Mr. Modenbach: Yes, probably, in case of sickness.

Mr. Sheean: When you come back, the practice is, under seniority rules, that after taking your lay-off when you again report, you go to the foot of the list?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And although you have only taken four or five days off, by going to the foot of the list, all those ahead of you on the list are entitled to go out on their runs, before your turn comes?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Have you kept, during any of this period, a record of how much of the time you laid off on your own accord?

Mr. Modenbach: No, I have not. It can't be but very little.

Mr. Sheean: What are the high and low points, can you tell us, in these average earnings of $63, your average monthly earnings?

Mr. Modenbach: No, I cannot. You mean for an extra man?

Mr. Sheean: I don't know how you made it up, but during the last year what was the highest month of your earnings?

Mr. Modenbach: In the last year, I think, about $95. Something like that; $90.

Mr. Sheean: Did any of it run over $100 in any month?

Mr. Modenbach: Not this year, I don't think.

Mr. Sheean: $90 or $95?

Mr. Modenbach: Yes.

Mr. Sheean: What was the low month; perhaps we can get about the lay-off on that, if you have a memorandum here of the low month. What was the lowest earnings?

Mr. Modenbach: I think it was in August; I think that was my lowest month.

Mr. Sheean: What were the earnings in August?

Mr. Modenbach: About $59, something like that.

Mr. Sheean: Now, if you can, in that month, just give the dates there which would indicate whether or not there was any lay-off; or is there any memorandum there as to whether you laid off?

Mr. Modenbach: Yes, sir, I laid off about the 6th.

Mr. Sheean: About the 6th?

Mr. Modenbach: Yes, sir, on account of my wife being sick.

Mr. Sheean: Laid off on August 6th. When did you again report for work?

Mr. Modenbach: On the 19th. That was the first trip I made afterwards.

Mr. Sheean: On August 19th?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Then you were ready for duty during all of that month except the thirteen days, between the 6th and the 19th.

Mr. Modenbach: Yes, I was.

Mr. Sheean: There was no other lay-off that you took there?

Mr. Modenbach: No, sir, no other lay-off.

Mr. Sheean: Now, between the 19th and the 31st, how many trips did you make?

Mr. Modenbach: Between the 19th and the 31st I traded off for a switch engine so I could be at home with my wife the rest of the month.

Mr. Sheean: When was that, from the 19th on?

Mr. Modenbach: That was from the 20th on.

Mr. Sheean: And you worked the last ten days of the month in switch service?

Mr. Modenbach: Yes, sir, the rest of the month.

Mr. Sheean: Well, that was an arrangement made between you and the men who had the switch engine?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Now, in making your average yearly earnings, you have included this $59, or made this $59, as a full month's earnings, have you?

Mr. Modenbach: Yes, sir.

Mr. Sheean: That is the low month of the year?

Mr. Modenbach: That, I think, is about my lowest month.

Mr. Sheean: And the highest was about $95?

Mr. Modenbach: I think so, yes, sir.

Mr. Sheean: If you have them handily there, just give us the earnings by months, please, if you have it in that way. If you have not, I do not want to take the time on it.

Mr. Modenbach: Well, in June— Do you want me to begin at the first?

Mr. Sheean: Yes, please.

Mr. Modenbach: I will begin with June. In June I made—

Mr. Carter: What year?

Mr. Modenbach: 1914. June was $45.65.

Mr. Sheean: Was there any lay-off that month?

Mr. Modenbach: I don't remember.

Mr. Sheean: Have you any memorandum which would indicate when those trips were made? How many trips did you make?

Mr. Modenbach: I made twenty-two trips.

Mr. Sheean: Twenty-two trips?

Mr. Modenbach: Yes, sir.

Mr. Sheean: I thought the trips paid something over three dollars a trip.

Mr. Modenbach: Not all of them, on the extra board. You

see, this month, I caught switch engines quite a bit, which is a lower rate.

Mr. Sheean: Do you mean that you worked on twenty-two different days in that month?

Mr. Modenbach: Yes, sir.

Mr. Sheean: I wish you would give us the detail of that, if your total of $45.65 is right.

Mr. Modenbach: Here, I have worked about ten or fifteen days on switch engines, that month.

Mr. Sheean: Fifteen days?

Mr. Modenbach: Yes, sir; and that pays $2.50, 25 cents an hour.

Mr. Sheean: Yes.

Mr. Modenbach: For ten hours?

Mr. Sheean: Now, that is that $37.50 out of the $45. What was done the rest of the time?

Mr. Modenbach: The rest of the time was on extras.

Mr. Sheean: Just give me the detail of that, please.

Mr. Modenbach: Well, extra, one hundred and thirty-nine miles, one hundred and fifty, one hundred and forty-three—

Mr. Sheean: One hundred and thirty-nine miles, how much?

Mr. Modenbach: That is $3.60.

Mr. Sheean: That is $3.60—

Mr. Modenbach: I see what you are trying to get at now. We get paid twice a month, and I was giving you the earnings of just half the month there. The first half is $45.65, and the last half is $35.18.

Mr. Sheean: That straightens that out. I thought $45.65 must be too low.

Mr. Modenbach: I see that just now.

Mr. Sheean: Now, the next month, please; if you have it separated into the two monthly payments, you need not add them, and we can just get that hurriedly.

Mr. Modenbach: Well, about $85, or something like that.

Mr. Sheean: That is July?

Mr. Modenbach: That is July.

Mr. Sheean: Have you any record of whether you laid off any time during that month?

Mr. Modenbach: No, I have not.

Mr. Sheean: August?

Mr. Modenbach: $25.17 and $34.33.

Mr. Sheean: Have you any record there as to the time laid off?

Mr. Modenbach: No, sir, I have not any record of any.

Mr. Sheean: But that does not mean that you did not, in fact, lay off?

Mr. Modenbach: I don't know whether I laid off—yes, in August I did.

Mr. Sheean: Yes, that is the same month, I beg pardon.

Mr. Modenbach: Yes.

Mr. Sheean: That is the month in which you laid off from the 6th to the 19th?

Mr. Modenbach: From the 6th to the 19th.

Mr. Sheean: And the earnings there, again, please.

Mr. Modenbach: $25 and $34; $59.

Mr. Sheean: Now, the next month; have you it there?

Mr. Modenbach: $25 and $37.

Mr. Sheean: Any record as to the time laid off?

Mr. Modenbach: No, sir.

Mr. Sheean: Have you any recollection about whether there was any lay-off or not.

Mr. Modenbach: I don't recollect.

Mr. Sheean: You make no memorandum, in your time, of that?

Mr. Modenbach: I do not make any memorandum whenever I have to lay off.

Mr. Sheean: Upon the return of any—

Mr. Carter: Mr. Chairman and gentlemen, I do not like to interrupt, but I have knowledge of the fact that the Managers Committee have the earnings and a complete record of every witness brought here. I have a copy of a letter written by General Manager Gordon of the Chicago Great Western Railroad, addressed to all superintendents, where he advises those superintendents to ascertain from our committee, and to feel around and ascertain who would be summoned as witnesses by the engineers and firemen, and then to fill out a form 27, so that the Managers Committee here would have complete information.

Now, I had not intended to bring this up, but it seems like

useless time is being taken up in this matter, and that our witnesses are not being treated fairly.

The Chairman: I suggested a moment ago, thinking they had these records, that they should call his attention to anything in doubt, and it would facilitate the record to the extent that he has not the record.

Mr. Sheean: I have not the record, and have no knowledge of this man's earnings for a year. We are prepared, and there is no secrecy about form 27. We have the earnings of a typical number of men, taken in assigned and all other classes of service, on all railroads, covering the entire year. We have the complete earnings for October, 1913, of every man appearing on the pay roll. And I do have this gentleman's roll for October, 1913; but I have not here, and do not know that there is here in Chicago, or anywhere here, a statement of the earnings during the entire year, of this man.

Mr. Trenholm: There is not any such record.

Mr. Carter: Mr. Chairman, and gentlemen of the Board, I have handed the copy of the letter to one of the Arbitrators for his information. He perhaps will communicate the information to other members of the Board. And, this letter, which comes to me from an unknown source, evidently somebody thinks we are not getting a square deal, and sent it to me anonymously, is a copy of a letter from a general manager, or purports to be. The request is made of all superintendents to feel around among the men, to find out who will be summoned by the engineers and firemen to come here, and having found out, then to fill out form 27 for that witness, so that this information will be on tap.

Now, they, I think, have most of the information concerning all the witnesses; and I think the Board will bear me out in saying that whenever a witness has been placed on the stand, counsel for the railroads has apparently had a complete record before him.

Now, I think it is unfair to the Board of Arbitration and unfair to the witnesses, that if they have this information which the witnesses have not, that the agony should be prolonged.

Mr. Shea: May I ask a question of counsel for the Managers Committee, Mr. Chairman?

The Chairman: Yes.

Mr. Shea: Have you the pay rolls of all engineers and firemen employed on all of the roads in this arbitration, within your possession here now, or in this building?

Mr. Sheean: No, we have all the pay rolls of all the employes for the month of October, 1913, at which time these demands were presented, showing in detail the dollars and cents received by every man on all of the pay rolls of all of the companies. We have also the earnings of a certain number of men in the various classes of service, covering an entire fiscal year, as illustrative of the class of service in which those men are. But we have not the earnings of all of the men on all of the railroads through all this year's time. We have the complete pay roll of all of the railroads for the month of October, 1913.

Mr. Stone: Now, Mr. Chairman, I desire, with your permission, to serve notice on our friends, the enemy, now, that if they are going to present the pay rolls of certain men for a fiscal year, I shall certainly insist that the pay roll for every man for the same year be presented to this Board.

We do not propose to let them go and rake out a few high spots and let everything else go.

Mr. Sheean: In each instance, we shall give the name of the man whose earnings are represented; and I suppose in the course of a year or two, if Mr. Stone wants them, we can get transcripts of the ninety-eight roads for any particular period he wants, and if he will specify now any particular month or period, so that we will not delay the arbitration, we will be more than glad to get anything he wants.

It was quite a task to get all the pay rolls, even for one month, of all the employes, and especially where they are carried in different places upon the pay roll, earning part as engineer and part as fireman; sometimes firemen earning part as firemen and part as roundhouse employes. But there is nothing in the possession of any of the railroad companies, gentlemen, that there is any desire, purpose or intention to withhold from you. And if you will tell us what part of the pay rolls or any part you want, we will be more than glad to produce them, as we have all other information that you have asked at any time.

Mr. Stone: I shall be very glad, Mr. Chairman, to tell him right now: all the pay rolls you have got. Bring them in here.

That is what they did in the Eastern Arbitration, or what was required of the Conductors and Trainmen, at least. I saw about three carloads of this matter.

I know what has been going on. This is not anything new to us. They have been raking this entire western country with a fine tooth comb, trying to find the high spots, and perhaps some man making overtime or excessively high earnings, that of course will appear here. But we also want to have appear what were the earnings of that same man for the fiscal year. And I think it is only fair, if it has any bearing on the case, that it should be here. In other words, if you are going to present certain men for a fiscal year, present the pay roll of all the men for that year.

Mr. Trenholm: May it please the Board, having put in some ten months here preparing statistics for the benefit of this Arbitration, I would like to state that in preparing what is known as form 27, it was the aim of this committee to take a typical man in any assignment. Under practical operation of railroads, men enter pools or assignments. Two passenger trains may be handled by three men, depending entirely on the mileage; four passenger trains may be handled by three men, or five, as the circumstances may warrant. That is true of freight service, to a greater or less extent, and branch line service.

In preparing this Form 27, it has been the aim of the Committee to take a typical man out of each one of those pools. If five men are running four passenger trains, we would take a typical man, and show, for the twelve months, his earnings and his lost time, and hours worked and miles run. That run runs every day, or every day except Sundays. So that the earnings of one man on that run must be typical of the other four, or the other three, as the case may be, if he is willing to work, and works every day that the run runs.

So that this Form 27 is prepared as an exhibit for this Board, and will show a typical man in each one of these assignments over this entire territory for a year, if he was on that run for a year. In a great many cases it is impossible to get a man who worked the full year in any one assignment; but the man will be shown on the assignment for the months that he worked; and if he was replaced or thrown out of that service by seniority rights, another man will show for the balance of the year.

Now, to undertake to prepare a pay roll for this entire territory for a year, is simply impossible. We have had a large force of men attempting to prepare one pay roll for one month, which I think constitutes some seventeen hundred 22 by 17 inch closely typewritten pages of typewritten matter. And, to closely check and tabulate that, has taken us nearly four months with a large force here. To attempt to comply with Mr. Stone's request, however much I would like to do it, and I would like to do it if it were possible, to show just what men actually earned, the human in this controversy, what he really gets, and the conditions under which he actually works, that is what we would like to put before this Board, and all our efforts have been directed to that, so far as it is possible.

The Chairman: Just one moment. It is the purpose of the Committee to undertake to contradict the statements that may be made by any witness, by his record for a month or a year?

Mr. Trenholm: I think not: I have not consulted the attorney in this case about it, but I will say no. I have, so far as possible, where Form 27 did not show the name of the man who was put on the witness stand—in some cases we have had him in this record, and in some cases we have not. We did ask the railroads, if it was in their power, to advise us of the men coming here as witnesses, that we would like to have their wages filled out on Form 27; we would like to know what they were earning, and be able to determine whether their testimony was in accordance with what their earnings were; but, beyond that, I do not think it was the intention of the Committee to do anything further or that they had any other motive.

The Chairman: If it is the purpose, as I have stated, to contradict witnesses who may have testified, as to any facts pertaining to their records, it would be but fair to furnish the other side with a copy of the witness' record in order that they may have the benefit of the same, for the purpose of presenting the evidence, or calling the attention of the witness to the record, letting him examine the record, in order that he may refresh his memory as to any statements he might make.

Mr. Trenholm: We have no objection to that.

The Chairman: That would be the fair way.

Mr. Trenholm: We have no objection to supplying Mr.

Stone, or Mr. Carter, or the witness, with any information we have regarding the witness; none whatever.

Mr. Sheean: With this witness, as I have stated to the Board, I have no memorandum, except during the month of October, 1913. I know what the payroll shows for that month as to the earnings of this witness. And in his statement of general averages, my only purpose was to try to get, in the most general way, his method of arriving at that.

The Chairman: And not with a view to contradicting him by the record, later on?

Mr. Sheean: Oh, no—well, I do not want to say that. If his general average here should not be in keeping with the facts, I would not want to preclude myself from offering the record, if I have it; but first submitting it for any explanation there may be.

There has not been, in the use of any of these memoranda, as to actual earnings, any effort other than to try to find out in a general way what his earnings were at particular times. The exact details of it I have not been particularly concerned with, with any witness or witnesses.

Mr. Carter: Mr. Chairman and gentlemen, I do not make a protest, but it is one of the unfortunate features of arbitrations of this kind, that the engineer or fireman who first finds himself on the witness stand, will be more or less embarrassed. But, when he knows that every inquiry has been made of his home coming and his outgoing, checking up everything that he has done, it is more or less of a coercive act on the part of the railroads. So much so, that I think you found yesterday that some of our witnesses were almost speechless. The men feel this. They fear to come on the witness stand. They feel that someone has scratched up something about their record that they have forgotten, to be used against them here. I fear that some of our witnesses, who were quite brave when they came here, are fast losing courage; at least I fear I am not going to be able to use them; they do not show up. I feel that there is a coercive influence felt by these witnesses. These men have to work for a living. But there is a bright side to this question. I believe that, having knowledge of the influence, we may safely say that these engineers and firemen have testified conservatively.

Mr. Stone: Mr. Chairman, I do not want to prolong this

discussion, neither do I question the labors that Mr. Trenholm, of the Managers' Association, has gone through in preparing for this case. I know something of some of the labors he has gone through. But I do want to say this, that I cannot agree with him that it is impossible to produce payrolls.

The same plea was made in the Eastern territory, that payrolls could not be produced. And, unless I am very much mistaken, I am sure the Arbitration Board for the Conductors and Trainmen in the Eastern territory, compelled the railroads in the Eastern Association to produce the original payrolls—

Mr. Sheean: Understand, Mr. Stone, we are not saying it is impossible, or that we will not get it for you. If you will tell us the year's time, we will put clerks on transcribing the payrolls for any period of time. But Mr. Trenholm has stated how many pages there were in one month. If you want to—I must say that I think it will cause some delay in the outcome—but if you will indicate what period of time you want—a payroll of 60,000 men is something that takes some time to transcribe—but if you will indicate what months or period of time you desire, we will make transcripts of them. Nothing is impossible

Mr. Stone: Mr. Chairman, in reply to Mr. Sheean, I would say that I do not understand why it is necessary to transcribe them. I know that they have several Photostats working in the Western territory, and a photostat copy certainly would not take very long. And for the period you ask for, I do not know until you present this typical man you have selected; but if you have some typical man who, in 1909 or 1907 or 1905, for once in his life, hit one high spot, and perhaps only once in his life, I am going to insist, in all fairness to our side of the case, that the pay roll for that entire year be produced, and that the man's whole history go with it.

Mr. Sheean: Well, is it desired that we obtain transcripts of the entire payrolls from June, 1913, to June, 1914? We can get to work and get it up speedily, but I cannot make promises of its being done in less than ninety days time.

Mr. Stone: Do I understand that you are only going back to June, 1913, for these typical cases you are going to present?

Mr. Sheean: We are covering one year's time, from June, 1913 to June, 1914.

Mr. Stone: If that is all you are covering, I will say to you,

frankly, that is enough. But I know in some places you went back nearer to 1900, in looking up the records in the local offices, so I naturally supposed you were going to bring out all the high spots.

Mr. Sheean: We are trying to show what his actual year's earnings were, what he got in actual money.

The Chairman: We want to settle this matter as speedily as possible, but both sides may rest assured that you will be given full and ample opportunity to present any matter that may be material to the issues that are now before us.

Mr. Stone: That is entirely satisfactory.

Mr. Trenholm: May I say just one more word to the Board, and for the information of Mr. Stone, as I have no desire to hide any of our records from them.

What is known as form 27; the desire of the Committee was to take a typical man in each one of these assignments, and show his earnings by months for one year, from June, 1913 to June, 1914. The reports on form 27 coming from the railroads, are all on file. We have tabulated them and drawn our records from them. And the manner in which we arrived at these figures and these earnings, the reports and all the letters and all the correspondence and all the facts are open for Mr. Stone's and Mr. Carter's inspection. There is no desire to cover up anything.

Mr. Stone: Mr. Chairman, Mr. Stone and Mr. Carter are not at all ill; we are perfectly able to work; but if it has taken seventy of them ten months to compile all of this data for this case, I do not see how they expect Mr. Stone and Mr. Carter to go over it so that it will be of any use to us, on rebuttal.

Mr. Carter: May I again suggest a way out of the wilderness? You will perhaps remember that forms 15, 16, 17, and 18 were delivered to us by the railroads, and we have filed them for the information of this Board, and as a permanent court record of this arbitration. Could you not file your forms in like manner, when you present them, like we did forms 15, 16, 17 and 18?

Mr. Sheean: I think, when we get to the introduction of our exhibits, with all the supporting papers from which any conclusion or deduction is made, that all of the working papers should be accessible here; not unnecessarily encumbering the record, but the whole trunk full of supporting data should be ac-

cessible here and filed in the same manner, so that the deductions or inferences shall be subject to correction and verification?

Mr. Carter: The reason I suggest that is, I recognize that we have no time even to read through them during this proceeding; but at some time in the future we might secure valuable information from these reports or forms that are filed as permanent records with the Court.

The Chairman: I have no doubt that when we reach this bridge we have been talking about, we will be able to cross it without the slightest difficulty.

Mr. Carter: May I ask three or four questions of the witness?

Mr. Sheean: I am not quite through.

Mr. Stone: I would like to ask one more question before we leave this very important subject. In arriving at this typical man, I want to know by what process he is selected, if I might ask the question.

Mr. Sheean: Surely. Go ahead, Mr. Trenholm.

Mr. Trenholm: The form was prepared and sent to the railroads, asking for a typical man on each seniority district of each division, showing on the list one man out of the assignment. No particular effort, or I will not say effort, no particular wish, on the part of the Committee, was expressed as to who the man should be, or anything about it, excepting that he would like a typical man in the assignment. On a regular assignment, where one man works through the year, one man's record is as good as another, as the run is there every day, and they are supposed to make it, as they probably do, in their first in and first out. The lost time in this, so far as the regular assignments are concerned, speaks for itself. A man would lay off of his run on his own account, but the run was there.

Now, then, when you come to the pool service, it is materially different. We found it almost impossible to determine whether the man laid off of his own accord, because the business was not there, or for what reason. So we have taken in the pool service the typical man in the pool, who worked throughout the year, or part of the year, as far as we could get only one man, realizing we could not use two men in the year, because we might be charged with picking the high spots. We have taken one man and taken what he worked in the pool for one year,

and we have taken that as his possible earnings in that service, because we could not show whether he lost time on his own account or on the account of the company.

Mr. Sheean: It is a flesh and blood man in each case, selected by the local superintendent and carried through the year.

Mr. Trenholm: And we have aimed just as hard as we could to get only one showing a typical man working all over this country in every possible 100 mile district, and showing the earnings that he got, with an effort, if he earned something outside of his assignment, to show that separately; but the aim was to show the earnings of these different assignments just as fairly as we could.

Mr. Stone: We will meet that, Mr. Chairman, when it comes, all right.

Mr. Sheean: About what percentage of the tonnage is actually handled there on the Rock Island—the rate of tonnage?

Mr. Modenbach: The rate of tonnage?

Mr. Sheean: Yes.

Mr. Modenbach: Well, the rate of tonnage is 2,200 to 2,800.

Mr. Sheean: How much do they actually haul?

Mr. Modenbach: Well, they actually haul that.

Mr. Sheean: Get up to tonnage all the time?

Mr. Modenbach: Yes, sir, unless it is a stock train or something like that, why, it is lighter, of course.

Mr. Sheean: This particular territory in the last few years has not had as heavy crops as in previous years, has it?

Mr. Modenbach: Well, I don't see much difference.

Mr. Sheean: You think that the actual tonnage handled on your division of the Rock Island is as large as it was in former years?

Mr. Modenbach: It is larger now than it used to be.

Mr. Sheean: Larger now than it was a year ago?

Mr. Modenbach: Yes, I think so.

Mr. Sheean: And the tonnage of last year you think was larger than the previous year?

Mr. Modenbach: Yes, sir, I think so.

Mr. Sheean: What is the traffic that they have there, mostly?

Mr. Modenbach: Well, there is wheat, lumber and coal.

Mr. Sheean: And has the wheat movement been as large there this year as any previous year?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Nearly all south bound, is it?

Mr. Modenbach: Yes, sir.

Mr. Sheean: What season of the year is the wheat season; the crop movement?

Mr. Modenbach: Well, in the fall.

Mr. Sheean: Covering a short period?

Mr. Modenbach: Yes, a couple or three months—something like that.

Mr. Sheean: On this division of the Rock Island, has there been any change in the power itself—weight on drivers—since 1910?

Mr. Modenbach: No, sir; same weight on drivers.

Mr. Sheean: And when were those engines installed?

Mr. Modenbach: I don't know; they were there when I came.

Mr. Sheean: Have they always been coal burners?

Mr. Modenbach: Yes, sir; the 1,700 class. But we had some of the 2,100 class there for a while, about the same weight on drivers and hauling the same tonnage.

Mr. Sheean: Those were oil burners?

Mr. Modenbach: Yes, for a while.

Mr. Sheean: About how long?

Mr. Modenbach: Oh, I don't know.

Mr. Sheean: Is the business out of El Reno the same now as it has been in previous years?

Mr. Modenbach: Well, it is a little better now than it has been.

Mr. Sheean: Isn't it a fact that in all this territory through which this section of the Rock Island operates; not only El Reno but Oklahoma City and neighboring towns there, that the business has slumped since 1909 nearly fifty per cent?

Mr. Modenbach: Well, I don't know.

Mr. Sheean: What are the conditions in those towns that you run into as to unemployment, that you know anything about?

Mr. Modenbach: Well, the towns seem to be just about as good.

Mr. Sheean: Have they grown any?

Mr. Modenbach: No, they haven't grown much. Some of them have.

Mr. Sheean: What about any vacant business blocks or business houses in those towns?

Mr. Modenbach: I don't know.

Mr. Sheean: Haven't you observed anything of that sort —any vacant stores in them?

Mr. Modenbach: Yes, a few.

Mr. Sheean: More now than there were in 1909?

Mr. Modenbach: Well, I don't remember what there was in 1909.

Mr. Sheean: When was the change in tonnage rating made on these engines?

Mr. Modenbach: Well, it is constantly raising and the last raise I think was in last spring, some time.

Mr. Sheean: What if any change was there in the engines themselves?

Mr. Modenbach: There wasn't any change.

Mr. Sheean: The engines are just the same?

Mr. Modenbach: Yes, sir, the 1,700.

Mr. Sheean: What about keeping up the engines in condition for operation now, as compared to 1909?

Mr. Modenbach: Well, I don't see that there is any difference.

Mr. Sheean: No change in the mechanical power at all, but simply a higher loading in the trains than there was then?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And when was the last change made and what was the change in the tonnage rating?

Mr. Modenbach: Well, I don't recollect just what it was before the new rating.

Mr. Sheean: Well, about what was it?

Mr. Modenbach: Well, about 1,800 tons, I think.

Mr. Sheean: And has there been any change made at all in the rails or ballast or ties, when the change in the tonnage rating took place?

Mr. Modenbach: No, sir; I don't think so.

Mr. Sheean: Has there been any change at all in the rails or ties or ballast since 1910?

Mr. Modenbach: No, sir; same rails and ballast.

Mr. Sheean: When was that line reconstructed or rebuilt, or repaired, or improved in any way?

Mr. Modenbach: I don't remember just what year it was.

Mr. Sheean: Well, it is since you came to work there?

Mr. Modenbach: Yes, I think after I came to work.

Mr. Sheean: And the big change in the rating of the engines was after they began operating over a new and improved line, was it not?

Mr. Modenbach: Yes, sir.

Mr. Sheean: The big change in the tonnage rating was about the time the line was reconstructed?

Mr. Modenbach: That is about the time—well, I couldn't say as to that.

Mr. Sheean: If you could give just what the change was, where there has been no change, either in the engine, or in the rail itself, the roadbed on which the engines operate, I wish you would tell about what that change was?

Mr. Modenbach: I couldn't do it.

The Chairman: How long will it take you to conclude, Mr. Sheean:

Mr. Sheean: Just a moment, and I will be through with him, your Honor.

The Chairman: I think we ought to conclude with the witness if we can.

Mr. Sheean: Can you tell what the change in rating was at the time that they made the change in track or weight of rails or reconstructed the line there?

Mr. Modenbach: No; I don't know.

Mr. Sheean: The comparison that you have made of the increase in tonnage, goes back to the time that they had the 65 pound rail, does it not, when they had this lower rating?

Mr. Modenbach: Yes, I think so.

Mr. Sheean: And, they now have 85 pound rail on that division?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And the change in rating took place after the smaller rail was taken out, and the heavier rail put in?

Mr. Modenbach: Yes, sir, then after that—

Mr. Sheean: And then another change after that?

Mr. Modenbach: Yes, sir.

Mr. Sheean: But just what change was at either of those times, you do not know now?

Mr. Modenbach: I do not know; no, sir.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Carter: Just about two questions, Mr. Chairman: While approaching this switch where you jumped from the engine to avoid what I suppose you thought was certain death, are there any rules of the company requiring an engine to run slow over that switch?

Mr. Modenbach: No, sir, there are not.

Mr. Carter: How fast does the usual passenger train pass over that switch?

Mr. Modenbach: Well, the through trains pass over there pretty fast.

Mr. Carter: Can you give us an estimate? Forty or fifty miles an hour, possibly?

Mr. Modenbach: Forty or fifty miles an hour.

Mr. Carter: They are not violating any rules of the company when they do that, are they?

Mr. Modenbach: No, I wouldn't think so.

Mr. Carter: You stated, in reply to an inquiry from Mr. Sheean, that there were about 80 firemen there when you went to work; is that not true?

Mr. Modenbach: Yes, sir.

Mr. Carter: About how many engineers were there?

Mr. Modenbach: I don't know how many engineers were there then.

Mr. Carter: Wasn't there the usual number of engineers for that number of firemen?

Mr. Modenbach: I couldn't say.

Mr. Carter: You say that you burn fifteen tons of coal a trip. If you were in the regular pool, would you not be compelled to lay off occasionally, on account of your physical condition?

Mr. Modenbach: Yes, sir, if I was in the regular pool, I would.

Mr. Carter: In estimating your average earnings, you

recognize the fact that sometimes you do have to lay off, is that not true?

M. Modenbach: Yes, sir.

Mr. Carter: The engine can go farther than a man, is that not true?

Mr. Modenbach: Yes, sir; they do.

Mr. Carter: Have you any record of the days you actually laid off, and the days you lost because there was no work for you, while you were on the extra list?

Mr. Modenbach: No, I have not.

Mr. Carter: That is all.

The Chairman: It is time for recess, and the members of the Board desire to ask this witness a number of questions, so we had better let it go over.

Mr. Park: Will it discommode you in any way to remain here until Monday? Are you here with the other members of the Firemen's Brotherhood?

Mr. Modenbach: Yes, sir.

Mr. Park: Mr. Chairman, the Board are called upon in this Article 11, I think, to take a very serious responsibility in changing the discipline of the railroads; and, for that reason, I wish to interrogate the witness in connection with the surprise test.

The Chairman: Yes.

Mr. Park: If he is going to remain over until Monday.

Mr. Carter: We can have him remain over until Monday. We had arranged, however, to let him go; but we can keep him here.

The Chairman: Then we will take an adjournment until 10 o'clock Monday morning.

(Whereupon, at 12:32 o'clock P. M. an adjournment was taken to Monday, December 21, 1914, at 10 o'clock A. M.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Illinois, December 21, 1914.

Met pursuant to adjournment at 10:12 A. M.

Present: Arbitrators and parties as before.

The Chairman: You may proceed with the examination.

O. F. MODENBACH was recalled for further examination, and having been previously sworn, testified as follows:

Mr. Sheean: If the Board please, we have been endeavoring to get the data as to the surprise test about which Mr. Modenbach testified last week, and I have submitted to Mr. Carter and Mr. Phillips some correspondence that we have had about it, in the effort to see whether or not we could refresh Mr. Modenbach's recollection as to any of the dates, as to the date or the occurrence, because we have not been able to locate any such surprise test at Dover at any time. And I asked leave to recall him this morning to see whether or not he could give us any additional data which would enable us to ascertain the facts.

Mr. Modenbach, you gave on Saturday the name of the trainmaster as Mr. Clark?

Mr. Modenbach: Yes, sir.

Mr. Sheean: So far as we can ascertain, as I called your attention to the fact this morning, Mr. Clark was not trainmaster on that division in January, 1909. Are you able, in any way to refresh your recollection as to who the trainmaster was?

Mr. Modenbach: Well, I know that Tinsman was on the south end, and they had three trainmasters during that time of the year; they had a kind of assistant; and I knew this man by the name of Clark, I am positive about that. That is what I knew his name by, as Clark.

Mr. Sheean: As Clark?

Mr. Modenbach: Yes, that was my understanding.

Mr. Sheean: Can you tell us his initials?

Mr. Modenbach: No, I cannot.

Mr. Sheean: You had no personal conversation with the trainmaster who caused this switch to be turned?

Mr. Modenbach: No, I did not.

Mr. Sheean: It was not Mr. Tinsman, the trainmaster at that point?

Mr. Modenbach: No, I did not think he was on the north end.

Mr. Sheean: But his headquarters were at El Reno?

Mr. Modenbach: I think so.

Mr. Sheean: It was not Mr. Korn, F. N. Korn?

Mr. Modenbach: I don't know.

Mr. Sheean: The time card for that period indicates a Mr. F. N. Korn.

Mr. Modenbach: I remember Korn being there.

Mr. Sheean: Have you any way of fixing the month of January, 1909, as the month and year when this occurred?

Mr. Modenbach: No, I cannot give what day it was.

Mr. Sheean: But you do feel that it was in January, 1909?

Mr. Modenbach: Yes, sir; I feel like it was in January.

Mr. Sheean: The engineer with whom you were running was Mr. Thompson?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Now, Mr. Modenbach, as I indicated to you a few moments ago, the north and south train sheets for the month of January, 1909, have been looked up, as to Mr. Thompson. Will anything in the record of Mr. Thompson going through Dover during that month indicate to you in any way as to what date this was? (Handing paper.) Just go through that paragraph. Possibly there may be something there that would refresh your recollection.

Mr. Modenbach: No, I do not see anything here that would

refresh my mind as to what date it was. That has been going on six years, and I have just been on the road service since last fall.

Mr. Sheean: The train sheets would indicate that on all trips which Mr. Thompson made through Dover in the month of January, 1909, there was no delay on any of his trains at Dover except where the crew tied up for a rest at 12:50 A. M. one morning.

Mr. Modenbach: Probably he never made out any delay.

Mr. Sheean: You are sure the engineer with you at the time this occurrence took place was Engineer Thompson?

Mr. Modenbach: I am positive.

Mr. Sheean: Do you know the names of any of the train crew, the conductor or either of the brakemen who were on the run on that trip?

Mr. Modenbach: No, I do not.

Mr. Sheean: Was this matter of the test of which you speak, ever taken up with any of the officers?

Mr. Modenbach: I don't know whether it was or not. It had been talked around among the men, of this test and others, too, that had been made.

Mr. Sheean: You understand, our inability to find any record of any such occurrence by inquiry of the trainmaster and the roadmaster and the station agent located at this point causes us to try to ascertain, if we can, some data by which we can ascertain all of the facts. And you have no knowledge of this ever having been reported to any of the officers of the company, or taken up by the organization, or by any of the employes with the officials?

Mr. Modenbach: No, I don't know about that.

Mr. Sheean: Do you know Mr. Thompson's first name, or was there more than the one engineer Thompson running there at that time?

Mr. Modenbach: No, I think there was just the one running there. I don't just remember what his first name was.

Mr. Sheean: This passing switch that you spoke of in describing that test is inside the city limits of Dover, is it not?

Mr. Modenbach: Well, I don't know whether that is the city limits there or not.

Mr. Sheean: About how far from the station at Dover did the passing track, where this occurred, begin?

Mr. Modenbach: Well, I would judge about forty cars, probably.

Mr. Sheean: Then the passing track itself ran right on down past the depot?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And the other end of it was out beyond the depot in Dover?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Well, at that time, and for the purpose of refreshing your recollection, I hand you the Oklahoma Division Time Table No. 10-A, taking effect Sunday, December 20, 1908, at 12:01 A. M., and ask you whether or not that time card does not provide that the speed of trains must be reduced to ten miles an hour through the city limits of Enid, El Reno, Oklahoma City and Dover?

Mr. Modenbach: It is there on the time card, but I didn't know that.

Mr. Sheean: Well, the rules of the company require you to be familiar with time card restrictions as to speed, do they not?

Mr. Modenbach: I don't know that a fireman is required to know or not.

Mr. Sheean: What is it?

Mr. Modenbach: I don't think the fireman is required to know anything of that.

The Chairman: May I ask at what point this accident occurred—it has gone out of my mind.

Mr. Sheean: Dover, he spoke of. I am now inquiring about this particular passing track. (Addressing the witness.) The place where this occurrence took place was this passing track which begins at Dover, and runs through the city of Dover, past the depot and out at the other end of it?

Mr. Modenbach: Yes, sir.

Mr. Sheean: Well, it was a part of the rules of the Rock Island that employes whose duties are prescribed by the rules, must provide themselves with a copy, and also a copy of the time table?

Mr. Modenbach: I don't know. I don't remember.

Mr. Sheean: Do you remember what kind of train it was you were running on that date of this surprise test?

Mr. Modenbach: It was a freight train.

Mr. Sheean: And about the time of night that you went through Dover, when this test took place?

Mr. Modenbach: It was in the morning, some time.

Mr. Sheean: Was there any delay at Dover because of this test?

Mr. Modenbach: Well, no more delay than when we walked down to the engine and left town.

Mr. Sheean: In which direction was the train going?

Mr. Modenbach: Going south.

Mr. Sheean: Well, from the papers which I have shown you here this morning, Mr. Modenbach, are you able to give us any further information that would enable us to ascertain just when this occurrence took place or the name of any other person than Engineer Thompson who would know of the occurrence?

Mr. Modenbach: Well, I expect probably there would be someone who would know something about it. It has been talked down there among the men. I don't know who it would be. I could find out.

Mr. Sheean: You cannot tell us now the name of any officer or agent there of the company in that neighborhood, who knew of the occurrence?

Mr. Modenbach: No, I don't know.

Mr. Sheean: Any officer, agent or employe?

Mr. Modenbach: There was no officer there at night, not until the morning some time.

Mr. Sheean: From the memorandum that I handed you, Mr. Modenbach, it would seem that engineer Thompson continued to run through Dover from the early part of January down to and including the last trip made through that town on January 27, 1909; so that apparently he was not disabled or off duty during that month. Would that in any way indicate to you whether it might have been at some later time or some earlier time or at some other time than January, 1909?

Mr. Modenbach: No, I wouldn't say. I couldn't state what time of the month it was.

Mr. Sheean: We have not been able to ascertain any personal injury report at any time to engineer Thompson. Do you know whether he made out any report of this injury?

Mr. Modenbach: I don't know whether he did or not. It

was always customary that the fireman signed it when he made out one, but I don't believe I ever signed an injury report from him.

Mr. Sheean: I understood you, Saturday, to say that he was off duty some little time.

Mr. Modenbach: Yes, sir, that is what he told me.

Mr. Sheean: But you have no recollection of signing any personal injury report for him?

Mr. Modenbach: No, sir, I have not.

Mr. Sheean: And you don't know whether or not the fact that he was injured was ever called to the attention of the company?

Mr. Modenbach: I don't know whether there was any attention called to it, to the company or not.

Mr. Sheean: And, so far as you know, the surprise test about which you spoke Saturday was never called to the attention of any officer of the company?

Mr. Modenbach: I don't know whether it was.

Mr. Sheean: I think that is all.

The Chairman: I would like to ask the witness a question: Did this accident occur within the limits of the city of Dover?

Mr. Modenbach: I don't know whether there was a limit there then or not. I just went on the road during that fall.

The Chairman: Were you in the city or in the country?

Mr. Modenbach: Well, it is a little town, probably of two hundred.

The Chairman: What did this signal indicate to you as a railroad man?

Mr. Modenbach: Well, it indicated that the switch was open.

The Chairman: What did that mean?

Mr. Modenbach: That it would head us in on the passing track.

The Chairman: Without any knowledge as to whether the track was occupied by another train or not?

Mr. Modenbach: No, sir; there might have been another train in there; we did not know that.

The Chairman: In other words, when a signal of that kind is given, it does not mean, every time, to go into the track, does it?

Mr. Modenbach: Well, it should, yes; when it is a red signal, that indicates that the passing track switch is open.

The Chairman: What I want to get at is, does it indicate that the track is clear or that there might be an obstruction which would result in an injury?

Mr. Modenbach: There might be an obstruction there, or somebody might have headed in and forgot to close the switch, or something of that kind.

The Chairman: That is all.

Mr. Park: I would like to ask the witness a few questions. Was this passing track that you speak of in the town, or was it outside of the town of Dover?

Mr. Modenbach: Well, the main line is west of the city.

Mr. Park: West?

Mr. Modenbach: Yes.

Mr. Park: You were going east?

Mr. Modenbach: We were going south.

Mr. Park: You spoke of the weather; was it foggy at this time?

Mr. Modenbach: Snowy, yes, sir; blowing.

Mr. Park: Snowy and blowing. How far could you see the red light on the switch?

Mr. Modenbach: Well, he was about ten or fifteen cars, something like that, when he first noticed it.

Mr. Park: You spoke about the engineer jumping off and falling against the whistling post and breaking his collar bone. How far out was the whistling post from the facing point switch?

Mr. Modenbach: Well, I don't know.

Mr. Park: Usually a half mile, is it not?

Mr. Modenbach: Something like that. From the depot?

Mr. Park: From the initial switch?

Mr. Modenbach: Well, I don't know.

Mr. Park: You don't know, then, just how far the whistling post was from this switch upon which the light was turned?

Mr. Modenbach: No, I am not positive as to the distance.

Mr. Park: But you do know that the engineer fell against the whistling post and broke his collar bone?

Mr. Modenbach: That is what he said, yes, sir.

Mr. Park: Do you remember whether he went out the next trip or not?

Mr. Modenbach: No.

Mr. Park: Do you remember how long you were off?

Mr. Modenbach: I wasn't off at all.

Mr. Park: Your injury was not very serious?

Mr. Modenbach: No, sir.

Mr. Park: This is a matter that I think is quite important. I do not know just what the general managers are endeavoring to bring out, but it is a fact that these tests are made at facing point and trailing point switches on railroads. I would like to read this into the minutes:

Speaking entirely from a personal viewpoint, I feel that to interfere with the discipline of the railroads, this Board would be assuming a great responsibility, at least without overwhelming and convincing evidence that the practices of the railroads in regard to efficiency tests really place the lives of employes in jeopardy, or that such practices are without compensating benefits to the public, to the employes and to the railroads.

The Interstate Commerce Commission was empowered by Congress, under the law of May 6th, 1910, and was charged with the duty of investigating accidents. Since that time, in each of their annual reports, as well as in going into individual cases in much detail in special reports, they have called the attention of the Managers to the fact that a very large percentage of accidents were due to negligence on the part of employes, and their failure to observe the rules and regulations relating to the prevention of accidents.

They seem to have concluded at first that accidents were due to equipment appliances, excessive hours of service, lack of boiler inspection, improper handling of explosives, broken rails and defective wheels, and wooden cars. They imposed great financial burdens on the railroads in standardizing equipment in applying self-dumping ash pans, and regulated the hours of service, installed an elaborate system of boiler inspection, promulgated rules for the transportation of explosives and other dangerous articles by freight and express, and took cognizance of the substitution of steel for wooden cars, and the use of better rails; in all of which the Managers co-operated with them, although the expense was staggering, that of standardizing equipment amounting to over fifty millions of dollars.

It would appear that this did not materially lessen the num-

ber of accidents. The Commission, realizing that the prevention of accidents was almost wholly a personal equation, attempted to find an automatic control. Congress gave them some fifty thousand dollars. A sub-committee was employed, who visited Europe, made elaborate tests in this country, and finally concluded that there had not as yet been devised any system of automatic control that was practicable. In their final report, they put it up to the railroads to find such a device.

The railroads have, in the American Railway Association, a committee composed of the most eminent engineers and operating officials, who have for a number of years been endeavoring to perfect such a device, and they have invited the entire inventive genius of the world to submit inventions that will come within certain essential specified requirements.

Many practical railroad men of experience do not believe that such a device is practicable, believing that you cannot take out of the hands of the locomotive engineer the responsibility for right action in cases of emergency and place it in a mechanical device, which may at any time become defective.

In the report of the Commission dated December 16th, 1912, under the head of "Investigation of Accidents," after going over the question of substitution of steel cars, condition of track and roadway, speed restrictions, broken rails and other causes, they say:

"The most disquieting and perplexing feature in the problem of accident prevention is the large proportion of train accidents caused by dereliction of duty by the employees involved. By far the greatest number of our serious train accidents are due to the failure of some responsible employee to perform an essential duty at a critical time. The seriousness of this problem is indicated by the fact that of the 81 accidents investigated up to September 1, 52, or more than 63 per cent of the whole number, were caused by mistakes on the part of employees. These 52 accidents comprise 48 of the 49 collisions investigated, and 4 of the 31 derailments. They caused the death of 248 persons and the injury of 1,309 persons. Of the 48 collisions caused by errors of employees, 33 occurred on roads operated under the train order system, and 15 occurred under the block system.

"The most numerous failures were by trainmen or engine-

men. These were disobedience of orders; disobedience of signals; failure to keep clear of superior trains; improper flagging; and failure to control speed at dangerous points. Such lapses were responsible for 41 of the accidents investigated. Errors of train dispatchers or telegraph operators in transmitting, copying, or delivering orders were responsible for 6 accidents, and errors of block-signal operators or towermen in giving improper signals were responsible for 4 accidents. These are the identical errors that have always caused train accidents. They are bound to occur with more or less frequency, and can not fail to result in accidents whenever absolute reliance for the safe movement of trains is placed upon human beings, and employees are depended upon to do exactly the right things at all times and under all circumstances."

They state further in this report, "The adoption of the block system is another thing that should be required. The block system by no means insures immunity from collisions. On the contrary, the most serious collisions that have occurred in this country were on block-signaled roads. From the standpoint of safety, the block system is superior to the train order system only because it presents fewer opportunities for men to make mistakes."

The report says further, "The problem of the introduction of means to neutralize the effects of human error is one for which no specific solution can be offered. It involves considerations and details pertaining to purely local circumstances and conditions of operation which each railroad must settle for itself."

The Commission further states in this report, "Great possibilities in the direction of a solution of the problem of accident prevention lie in the so-called safety committees which have been organized on many roads. These committees are composed of officers and employes who co-operate in striving to eliminate accidents due to failure of men properly to perform their duties. By making 'safety first' the dominant idea in the minds of employes, and continually pointing out methods for its attainment, an important step in the right direction is taken."

In the last report of the Interstate Commerce Commission, under date of December 15th, 1913, after going over much the same ground, the Commission says, and I think this is the part

Mr. Stone said the other day he wished I would have read into the record:

"All of the mistakes noted above are violations of simple rules, which should have been easily understood by men of sufficient intelligence to be entrusted with the operation of trains. The evidence is that in the main the rules are understood, but they are habitually violated by employes who are charged with responsibility for the safe movement of trains. The evidence also is that in many cases operating officers are cognizant of this habitual disregard of rules, and no proper steps are taken to correct the evil. Many operating officers seem to proceed upon the theory that their responsibility ends with the promulgation of rules, apparently overlooking the fact that no matter how inherently good a rule may be, it is of no force unless it is obeyed. On very many railroads there is little or no system of inspection or supervision of the work of train-service employes so far as pertains to those matters which vitally affect safety. Employes are not examined on the operating rules except at the time of their promotion, and only the most perfunctory efforts are made to determine their fitness to perform the duties assigned to them from time to time.

"This lack of supervision and inspection with respect to matters affecting the safety of trains is unexplainable when the careful supervision of all matters directly affecting the revenue of the roads is considered." * * *

"The prevention of accidents by a strict observance of operating rules means not only the saving of human life, but of large sums of money as well. It would seem, therefore, that adequate inspection and supervision of the work of employes to insure safety in operation would be amply justified from the standpoint of economy alone."

The Commission in this report, also in previous reports, recommended legislation requiring the standardization of operating rules. They say, "It is vital to the safe movement of trains that rules should be explicit and uniform in character, so that they may be easily understood and that there may be no doubt as to their application. To this end Federal legislation is necessary. Such legislation also should require proper supervision of employes to insure that the rules are obeyed, as well

as systematic instruction and examinations at stated intervals to make certain that no employe is permitted to be in a responsible position unless he is thoroughly familiar with his duties and competent to perform them."

It would seem that the Interstate Commerce Commission not only expects the managers to, but censures them for not adopting a systematic check of the observance of rules of safety. There is no question but what the managers have been greatly influenced in the adoption of systematic efficiency tests by such action on part of the Commission. In fact, they are threatened with Federal legislation requiring this. At the same time, they are threatened with State legislation attempting to prohibit it, as cited here in the Kansas law.

Personally, I do not think that law applicable, nor do I think any law can be made applicable to the proper, well-considered and systematic placing of certain signals in the positions they would be in if a dangerous condition existed. Some of the most frightful accidents that have occurred in this country have been due to engineers running into open switches. Notwithstanding the fact that the railroads are put to an enormous expense in burning lights on such switches continuously, enginemen have failed to observe them as indicating danger, with very disastrous results.

Notwithstanding the fact that millions of dollars have been expended to equip the railroads with automatic block signals, engineers have passed such signals with the red light and semaphore arm indicating danger and requiring them to immediately stop.

Notwithstanding the fact that red lights and red flags have been displayed along the track, enginemen have passed them, completely oblivious to their admonition, and serious accidents have resulted.

Notwithstanding the fact that classification signals have been displayed on the front of trains, indicating that there are following sections having the same rights, engineers and conductors have passed such signals without observing them, and serious collisions have consequently occurred.

Now, personally, I feel, as I stated, that I would be assuming a great deal of responsibility to change the discipline of the railroads in any particular, unless the evidence here is convinc-

ing that there is danger to the lives and limbs of employes. And I make this statement at this time, because I am very strong in this matter, and I want to see the engineers and the firemen bring in the evidence that they have, of fatalities and personal injuries, and prove conclusively that this question of turning a facing point switch, or a trailing point switch, is dangerous.

Personally, I have prohibited the turning of the light of a facing point switch red, and I have also prohibited the creation on the road that I operate, of any condition that would be hazardous to the men. I think I feel just as strongly for the men as Mr. Stone or Mr. Carter can, and I have had the general manager of our road go over some of the figures indicating the changes that have occurred since we adopted these efficiency tests, and they are remarkable in that they have reduced the fatalities to engineers and firemen; they have reduced very largely the dismissals of engineers and firemen from the service, and they have almost eliminated avoidable accidents and fatalities and destruction of property.

The Chairman: Mr. Park, are we to understand—I know nothing about these technical questions—but are we to understand that in your opinion the method employed on this occasion was an improper one?

Mr. Park: No, I would not say that. It may be that local conditions and certain characteristics, and the condition of the discipline, was such that, in the opinion of the officials of any certain road, they may think it incumbent upon them and their duty to check their engineers to prevent them from running into open switches. They may have had accidents that have occurred where engineers were running into open switches and that that condition should be corrected.

As I have said, on the Illinois Central I have felt that the conditions there are such that it was only necessary to turn the red-light on a trailing point switch, which every engineer knows is a switch upon which they cannot be derailed. In other words, the engine trails through it and cannot possibly get off the track. Of course, as I understand the testimony of this witness, they had a fear that this switch was open and that just in the clear perhaps there might be some box cars standing or there might be a train with a headlight not burning, and under those conditions a collision would occur.

Mr. Burgess: Mr. Chairman, it is so extremely unusual for the arbitrators to argue a case before the evidence is before them, and the paper read by Mr. Park can be considered in no other light than a negative argument against Article 11—and inasmuch as this is a very unusual procedure, we will have to admit our inability at this moment to reply; but we will ask that we have the same privilege granted, and we will read in an affirmative argument, after we convene on January 4th.

Mr. Park: I am simply setting out my personal views. I am charged here with a duty and asked to pass on the discipline of all railroads west of Chicago. As Mr. Stone said, I think in his opening argument, this is one of the most important things that is to be considered. I think it is the first time that an Arbitration Board has been called upon to decide a question of discipline; and the discipline on a railroad is so delicately balanced it is just like the works of a watch—you put your finger in at the wrong place and it is liable to upset the whole thing. I want to serve fair notice on the engineers and firemen, because I want to be perfectly fair, both ways, that there must be some strong evidence to induce me to ask the railroads to change their practice, which seems to have been approved by the highest authority we have and which has seemingly brought such good results.

Mr. Burgess: Mr. Chairman, the responsibility of deciding this question rests equally, as I understand it, on all Arbitrators, and I will be prepared to fully prove that this is not the first time the question of discipline has been arbitrated. The Honorable William L. Chambers was the neutral member of such a Board with which I was connected. I have nothing further to say at this time, however, than, as stated before, that we just desire the privilege of advancing an affirmative argument.

Mr. Sheean: I think, if the Board pleases, before this witness leaves the stand—

Mr. Carter: I would like to make a statement.

Mr. Sheean: Surely. Pardon me.

Mr. Carter: I think, Mr. Chairman, that we are laboring under a misapprehension as to the intent of the proposition. I will read it:

"Surprise tests. That the practice of conducting surprise tests by turning switch lights and placing red lights, or flags,

unaccompanied by torpedoes, beside track, or wiring down automatic signals to proceed position, be eliminated."

Mr. Chairman, and gentlemen of the Board, while we recognize that this "Safety First" talk is a great advertising stunt, pulled off by the railroads, we also say that we want the employes to want to provide rules for the safety of their own lives. This is our "Safety First" movement and we ask this Board to give us relief from the practices of railroads that breed anything but safety. We do not object to efficiency tests, never have and never will. We invite them. We agree that the efficiency of the men should be tested. We agree that it is for the protection of other men that the efficiency of the men should be tested; but we disagree with the method of testing the efficiency of the men. We say it is unfair and improper, for any railroad, misunderstanding the intent of the language of the Interstate Commerce Commission, to jeopardize the lives of engineers and firemen, in trying to carry out what they have interpreted as the wish of the Interstate Commerce Commission. I think, if the Board desires, that Mr. Stone and I can get a statement from the Interstate Commerce Commission, a disclaimer of the meaning that was read into it by Mr. Park. I do not believe the Interstate Commerce Commission ever desired the lives of engineers and firemen to be jeopardized in order to carry out their proposition, and our request is not to prevent efficiency tests, but it is to prevent the jeopardizing the lives of these men—if not their lives, you might say their whole nerve structure.

With regard to the trailing points and leading points, we acknowledge that there is less danger if an engineer or fireman knows that it is a trailing point; but at night, with snow falling and fog more or less dense, a red light is a red light, and there is no time to analyze or investigate whether it is on a trailing point or whether it is a box car or whether it is a caboose or what it is. The only thing that a man can do under such a nerve strain is to put on the emergency and jump, and that is what they will do.

Why, the very rules written by these railroad officials themselves forbid that operation. The rules say that all such red lights on cabooses or switches should be protected by a flagman, so many telegraph poles out, and by a torpedo. We insist that the railroads live up to their rules.

If a rule is made for safety in one instance, it must be applied for safety in all instances. We recognize that the human mind is fallible. We recognize that engineers and firemen sometimes fail, but they fail less than any class of human beings on earth. There is no class of employes, or officials, or employers, for that matter, who ever go through the many years of most adverse conditions, and make as few mistakes or forget as seldom.

Again, turning to our proposition, all that we ask is "That the practice of conducting surprise tests by turning switch lights and placing red lights, or flags, unaccompanied by torpedoes, beside track, or wiring down automatic signals to proceed position, be eliminated."

We ask it in the name of humanity. If there is no law to prevent it, if arbitration cannot prevent it, then the men will prevent it. Mark my words, they will prevent it. They will prevent it by the united strength of all these organizations. They positively refuse to have their lives jeopardized, because of some whim of some trainmaster carrying out what he thinks are the instructions of the Interstate Commerce Commission.

Now, if the Board please, if it is your desire, we will have a statement here upon the resumption of our hearings in January, wherein the Interstate Commerce Commission will repudiate any statement that they believe is jeopardizing the lives of engineers and firemen in carrying out these efficiency tests.

Mr. Sheean: If the Board please, I do not desire to make any address, but simply to make clear the position of the Conference Committee of Managers as indicated in this correspondence, in reply to the proposition as presented, in which the Committee now presenting this matter to arbitration, made the following reply to their Article 11, Surprise Tests.

"Declined. Properly conducted efficiency tests are necessary to safe operation. Should always have due regard to safety of employes. Beyond statement of this principle schedule should not make specific provisions concerning tests."

The Conference Committee of Managers stands upon the proposition that any test, made by any employe, should always have due regard to safety of employes; and that proposition was communicated in our formal response to the request as made.

Now, in order to make clear, if the Board pleases, the colloquy that has taken place with this witness this morning, I think perhaps I should state that in keeping with the suggestion made here on Saturday last, I have submitted our correspondence both to Mr. Carter, Mr. Stone, Mr. Phillips, and Mr. Modenbach, so that we might not appear at all to be asking the witness questions predicated upon any records or information that we had, and so that we might, in the utmost good faith, get at what the facts were; and the replies that have come by wire to us, which have already been submitted to the gentlemen upon the other side, advise us that:

Attached here is a transcript of the Oklahoma Division Train Sheets, showing trains pulled by Engineer Thompson on the north end between Caldwell and El Reno, between October of 1908 and May of 1910. I am unable to locate the time slips of Engineer Thompson, so as to ascertain on what date or dates Modenbach fired for him; you understand, of course, firemen's names are not shown on train sheets.

"W. L. Moore, who was located at Dover as Agent during the winter of 1909, has no recollection of the circumstances; he states emphatically that if the switch had been turned and engineer and fireman injured in getting off, he would most certainly have known and remembered it; he is now serving the company as agent at Marlow.

"E. W. Gulley has been roadmaster on the north end of the Oklahoma Division since along in 1905 or 1906, and is still on that territory; he states he never heard of the instance and believes had it occurred, he would have heard something of it and remembered it.

"C. S. Yeaton, at that time was road foreman of the Oklahoma Division and participated in making tests and he states emphatically that no such test has ever been conducted on the Oklahoma Division by anyone. He further states he has never heard of this particular case.

"F. N. Tinsman, now superintendent of the Pan Handle Division, was trainmaster on the north end of the Oklahoma Division during the period mentioned. Mr. Tinsman states positively that no such test was ever conducted by him and that he has no knowledge of anyone ever making such a test on the Okla-

homa Division, and states further that had such a test been made, he would have known something of it.

"Messrs. Tinsman, Yeaton and Gulley were the only officers conducting surprise tests at this time."

We have the transcript referred to, which I have shown the witness. "We have checked the north end train sheets from October, 1908, to May, 1910, and cannot find where engineer Thompson, as an engineer, was in charge of any train except during the months of December, 1908, and January, 1909, when he ran trains as follows." Giving the details of those two months.

"In addition to checking the train sheets, we have checked our accident file and can find no record of the accident in question. We have also checked our personal injury records and can find no injury recorded against engineer Thompson or fireman Modenbach during this period."

It was in a good faith effort to try to get the facts and the details; because, as I stated to these gentlemen, the position of the Conference Committee of Managers is that efficiency tests should always have due regard to the safety of the men and—

The Chairman: Do I understand, then, that it is the purpose of the railroads in adopting these efficiency tests, to refrain from doing anything that is calculated to hazard the life or limb of the employe?

Mr. Sheean: That is the purpose, and at all times has been the purpose, so far as this committee is advised.

The Chairman: It seems to me that is the gist of the controversy.

Mr. Sheean: Yes, and the position of the Managers is, that you cannot, by a rule of thumb, say that a particular thing shall or shall not be done, in the making of efficiency tests. That it is proper and feasible that there should be provision that all efficiency tests should have due regard for the safety of the men. And we are—

The Chairman: But suppose that the evidence should develop that there is a possibility that a considerable number of men have lost their lives or been injured?

Mr. Sheean: We should be glad to know of it.

The Chairman: Then, do you not think something should be done to remove that situation?

Mr. Sheean: Unquestionably. But the position of the Conference Committee of Managers is that an abuse of a practice by an individual does not justify a hard and fast rule that a particular thing shall or shall not be done. If a certain official has at some time, violated the rule of "Safety First," which applies to employes as well as to passengers, that is no reason why there should be adopted a hard and fast rule that a particular specified thing should not be done.

The Chairman: Well, would it not be possible to adopt a rule by which these things, which you speak of, could be eliminated and still, at the same time, have tests which would be equal to any emergency which might arise?

Mr. Sheean: Rule 11, as requested, may or may not be a safe test to make. We are not prepared to admit that the thing specified in Rule 11, at all times and under all circumstances, and under the duties and responsibilities of a particular train, makes it unsafe to make that test at a particular place. It may, in the given circumstances, be an unsafe thing to do, as developed here this morning, I judge, from this witness' testimony, that had this particular train been operated in accordance with the time card provision, at a speed not exceeding ten miles an hour, that there would have been no possibility even or danger of them getting off the train before they got to the switch light in question.

Mr. Park: I think that Mr. Burgess misunderstands my motive. I am not making an argument one way or the other.

If I can be convinced that there do occur fatalities, and this particular test is a dangerous one, I will join with this Board in prohibiting it. But in doing so, I am assuming a great responsibility and assuming a great deal in dictating to the general managers and officials of all of these railroads how they shall handle their discipline; I am assuming a great responsibility for their individual discipline, far beyond any member of the Board, unless it is Mr. Byram, because we are railroad managers, and for us to say to the managers of other railroads, you shall do things in a certain way, is assuming a great deal, and we are very apt to be criticised for taking any such action.

But, so far as I am personally concerned, if it can be shown by the evidence that this is dangerous, or that it is any more dangerous to turn a facing point switch than it is to display a red light along the track, which may be near that switch, and which

the engineer may think indicates that there is a train ahead of him, or a bridge washed out or burned out, or some other condition under which he would, to save his life, jump off the train—they are all dangerous; there is none of them but what speak danger, because they are there to prevent accidents; and the only difference between an actual accident and a condition which would make an accident is that one is a test and the other is not a train in the way or a bridge burned out or some obstruction on the track.

Now, I would be assuming, and I want this thoroughly understood, a great deal more than Mr. Burgess or Mr. Shea or the other gentlemen on this Board, because I would be in the position of laying down certain rules and telling the general managers that they must follow them. And I have said very candidly, that so far as I am personally concerned, I had prohibited the turning of red lights on facing point switches. But I do not think there is any danger in turning the red light of a trailing point switch, as was testified by Mr. Young the other day, because I know well enough, that an engineer knows where he is and he knows where the switches are, and he knows that under those conditions there is no danger.

The Chairman: I do not want to be understood as having expressed an opinion, because I have none. I simply want to learn the facts in regard to this matter. Of course, the rule of "Safety First" is a splendid idea, and I know it is adopted by the railroads in good faith, and I think it should apply, not only to the public but to the employes as well, and where we can do that consistently, without unduly interfering with the operation of the railroads and hindering or hampering them in any way, I think we ought to do it. I think the rights of both parties should have equal consideration. That is my view of it.

Mr. Burgess: I do not feel that I misunderstand Mr. Park's intent. I acknowledge to him that I am somewhat dense. At the same time, it was, from my viewpoint, a real good argument negatively to Rule number 11. However, it is very pleasing to know that it is not termed an argument, so that when we file our reply, we will not be charged with deciding the case before the evidence is introduced.

Mr. Park: Mr. Burgess, is it not your desire that you should hear all the evidence in regard to this matter?

Mr. Burgess: True, but I presumed that the Arbitrators would thresh that out after the case was given to them, and not before.

Mr. Stone: Mr. Chairman, if I might offer a suggestion, from an onlooker on the lines, you know, I think it might be a good idea for the Board to have an executive session.

I want to speak for just a minute; I do not want to prolong the agony. I want to come back to these surprise tests again. There is not a single situation, there is not a single thing mentioned in regard to these surprise tests, which interferes with discipline in any way. We are not trying to tell the railroads how they shall discipline their men. We are trying to tell the railroads how they shall carry out in good faith the great slogan of "Safety First," and I do not believe there is any "Safety First" in any such test. It may be, if they keep on with evidence like that brought in this morning, by the time we get through they will show that these surprise tests never existed; that our engineers simply saw phantom lights, and jumped off. But I believe we will be able to convince even the other side that there have been a few surprise tests in this country that were realities and that were dangerous to the men participating in the tests.

Coming back to the question of trailing point switches, I do not believe that even Mr. Park, if I may say this, would recommend as a daily practice the running through of split switches at a high rate of speed, in the interest of "Safety First." They say there is no danger. I want to say to you there is always danger of derailment in running through a switch at a high rate of speed; and I think the record of the country will prove that. And I want to disabuse the minds of the Board, that we offered this here on a mere whim. We have gone back to our men in 1906 and 7 and in 1910 with that same reply that Mr. Sheean just read from the Managers. That is a stock in trade statement. We have heard that so often that it has become old. And we have gone back to our men and have said there will be no more of these surprise tests, but they kept right on. Then we had to try legislation. We had the Kansas law passed; whether it is right or wrong or will stand the test of the United States Supreme Court, I do not know, but I know we had the law made in good faith, and I know the railroads down there think they are above the law, because they kept on making tests in defiance

of the law. And I want to put it as strong as I can, that there must be some solution for these surprise tests, under the conditions here. I do not say it in intimidation of this Board, but if this Board cannot find a solution, if the Federal law cannot find a solution, then our men will take the strong arm and find it some other way, because it has got to stop.

Mr. Carter: Shall I proceed with the re-direct examination?

The Chairman: Yes.

RE-DIRECT EXAMINATION.

Mr. Carter: Do you remember distinctly that this surprise test was conducted, Mr. Modenbach?

Mr. Modenbach: I do. I was on the engine and was the one that got off.

Mr. Carter: If any other person says it did not occur, does he falsify the fact?

Mr. Modenbach: Yes, sir.

Mr. Carter: How long had you been there as a road fireman when this test was made?

Mr. Modenbach: I had taken the road late in the fall some time.

Mr. Carter: This was about six years ago, was it not?

Mr. Modenbach: Yes, sir, about six years ago.

Mr. Carter: Did you ever fire for this man Thompson before that trip?

Mr. Modenbach: I don't remember whether I did or not.

Mr. Carter: Do you remember whether you ever fired for him after that trip?

Mr. Modenbach: No, I do not.

Mr. Carter: Do you know where this man Thompson has gone?

Mr. Modenbach: No, I do not.

Mr. Carter: After asking that question, gentlemen of the Board, if the Chairman pleases, evidently the Rock Island Road has some record of where this man went, because if he ever applied for a position on another road, the other road would ask for his references, and I will ask that the counsel for the railroad join with us in endeavoring to locate this man and we will bring him here and pay his expenses.

Mr. Sheean: We are endeavoring to do that now, Mr. Carter.

Mr. Carter: Now, I am going to ask you, Mr. Modenbach, do you know that these surprise tests are reported at all, at any time?

Mr. Modenbach: No, I don't know that they are reported every time.

Mr. Carter: Did you ever know of a surprise test being reported by you?

Mr. Modenbach: No, sir, I did not.

Mr. Carter: Or by anybody else?

Mr. Modenbach: No, sir.

Mr. Carter: In this instance, I understand it was a man whom you took to be the trainmaster, that made the test?

Mr. Modenbach: Yes, sir, I took him to be the trainmaster, as I said.

Mr. Carter: Now, I understand that because of the obscurity caused by the atmospheric conditions, you were not able to see this test until you got very close to the switch?

Mr. Modenbach: Yes, sir.

Mr. Carter: The engineer allowed his train to run twenty or twenty-five car lengths, as I understand you, past this switch; is that true?

Mr. Modenbach: Something like that, yes, sir.

Mr. Carter: And I understand you to say that the engineer and fireman jumped?

Mr. Modenbach: Yes, sir.

Mr. Carter: Don't you think, in a case of this kind, that the engineer and trainmaster both would want to hush it up—don't you think the engineer, after running past this switch, would have no occasion to report it, the trainmaster being present?

Mr. Modenbach: I think he would.

Mr. Carter: Don't you think the trainmaster would perhaps be ashamed almost, when he saw that the engineer and fireman had jumped, and would not report it?

Mr. Modenbach: Yes, sir.

Mr. Carter: You know it did take place?

Mr. Modenbach: Yes, sir.

Mr. Carter: Is Dover a city, as referred to by counsel for the railroads?

Mr. Modenbach: What is it?

Mr. Carter: Counsel for the railroads has referred to Dover as a city. What is a city?

Mr. Modenbach: I don't know what you would call a city. This is a town of about two hundred.

Mr. Carter: Is there a telegraph office there at night?

Mr. Modenbach: No, sir.

Mr. Carter: Is there a telegraph office there at day?

Mr. Modenbach: Yes, sir.

Mr. Carter: None at night?

Mr. Modenbach: No, sir.

Mr. Carter: Now, with regard to Thompson's injury, when did he tell you he was hurt?

Mr. Modenbach: Well, it was several weeks, I presume, afterwards.

Mr. Carter: I think you are mistaken.

Mr. Modenbach: When he first said it?

Mr. Carter: Yes, sir.

Mr. Modenbach: It was after leaving Kingfisher.

Mr. Carter: What did he tell you then?

Mr. Modenbach: He complained about his shoulder. He said he went up against the whistle board.

Mr. Carter: When did he tell you that his collar bone was fractured?

Mr. Modenbach: Several weeks afterwards.

Mr. Carter: You believed him?

Mr. Modenbach: I believed him.

Mr. Carter: Did he tell you that he had been laid up for several weeks?

Mr. Modenbach: Yes, sir.

Mr. Carter: Is it possible this trip was made late in January, after the 27th?

Mr. Modenbach: It may be.

Mr. Carter: I do not know, Mr. Sheean, but you may have a record of his having worked after the 27th. I notice you did not have a record of his working after the 27th here.

Mr. Sheean: Not running through there.

Mr. Carter: Now, with regard to this whistle post. Coun-

sel for the railroad, or someone, asked you a question that would indicate that it was the whistle post for the station.

Mr. Modenbach: Either that or the road crossing, by the depot.

Mr. Carter: Don't you know, Mr. Modenbach, that the whistle post for the station is some distance from the switch?

Mr. Modenbach: Yes, it is.

Mr. Carter: You say that this whistle post was right close to the switch?

Mr. Modenbach: Yes, sir.

Mr. Carter: You said Saturday that there was a road crossing down there?

Mr. Modenbach: Yes, sir.

Mr. Carter: Saturday, you were asked concerning your earnings. Have you made out a statement, from your time book, of your earnings for each month during the year 1914?

Mr. Modenbach: I have.

Mr. Carter: You know them to be correct?

Mr. Modenbach: I know them to be correct.

Mr. Carter: Will you read them into the record by months?

Mr. Modenbach: In January, $57.04; February, $60.33; March, $76.77; April, $55.68; May, $99; June, $83; July, $88.89; August, $54; September, $64.89; October, $90.08; November, $89.

Mr. Carter: Now, Mr. Modenbach, in reaching the average you stated here Saturday, you added them together and divided by twelve, did you not?

Mr. Modenbach: Yes, sir, that is where I made my mistake.

Mr. Carter: I notice you have there only eleven months.

Mr. Modenbach: I just worked eleven months and divided by twelve, when I should have divided by eleven.

RE-CROSS EXAMINATION.

Mr. Sheean: Mr. Modenbach, you said in reply to one of Mr. Carter's questions, something that would indicate that the trainmaster was present. Did you see someone there immediately following this occurrence?

Mr. Modenbach: Yes, sir.

Mr. Sheean: And you knew him by the name of Clark?

Mr. Modenbach: I knew him by the name of Clark. I thought it was Clark.

Mr. Sheean: Well, there was a Mr. Clark who was a trainmaster down there in 1912, according to the information I get this morning. Was the man you saw there, in 1909, the same man who was trainmaster there in 1912?

Mr. Modenbach: I don't know.

Mr. Sheean: Did you know a trainmaster named H. G. Clark there, in 1912, who worked there for four or five months, as trainmaster, in 1912?

Mr. Modenbach: I won't be too sure about it.

Mr. Sheean: Well, now, where was it you saw this man whom you took to be a trainmaster, just after the accident?

Mr. Modenbach: Why, on the siding where the engineer was. Several cars, a couple of cars from the switch—something like that.

Mr. Sheean: And just the one man there?

Mr. Modenbach: Just the one man there, and the engineer. I passed them.

Mr. Sheean: What kind of looking man was this, whom you thought to be Mr. Clark?

Mr. Modenbach: Well, I don't know. I think he is a kind of tall looking fellow—a medium sized man, I will say.

Mr. Sheean: Is he the same man who was there in 1912 as trainmaster?

Mr. Modenbach: I don't remember.

Mr. Sheean: Did you know the trainmaster who was there in 1912, at El Reno?

Mr. Modenbach: No, I don't remember who was there.

Mr. Sheean: Did you know the trainmaster Clark, H. G. Clark—did you know him by sight?

Mr. Modenbach: I don't remember whether I had ever seen him then.

Mr. Sheean: I was trying to get, Mr. Modenbach, whether the man who was trainmaster there in 1912 was the same person whom you saw at the scene of this occurrence in 1909?

Mr. Modenbach: It might have been.

Mr. Sheean: Whether you recognized him as being the same man is what I am particularly after.

Mr. Modenbach: I don't know that I can recognize him as being the same man.

Mr. Sheean: This man told you that it was a test made there?

Mr. Modenbach: The trainmaster?

Mr. Sheean: Yes, this man whom you took to be Clark.

Mr. Modenbach: No, he didn't say anything to me.

Mr. Sheean: Then it might, as far as you know, have been an actual turning of the switch there?

Mr. Modenbach: It might have been. I don't know.

Mr. Sheean: Well, nobody told you that this was any surprise test then?

Mr. Modenbach: No. We just figured it was, because the trainmaster was there.

Mr. Sheean: A man who said he was the trainmaster?

Mr. Modenbacher: Whoever the trainmaster was at that time, or whoever it was.

Mr. Sheean: This was a man who, in the morning, was out there with a lantern, near this place?

Mr. Modenbach: I didn't see any lantern in his hand.

Mr. Sheean: Were you present at the time he talked to the conductor?

Mr. Modenbach: With the engineer?

Mr. Sheean: I mean with the engineer.

Mr. Modenbach: I was right behind them a way, half a car length or something like that, and when I passed them he said, "Pull down, I want to get on the caboose?"

Mr. Modenbach: Yes, that is what he said.

Mr. Sheean: And he had no lantern and you did not see who he was, to recognize him?

Mr. Modenbach: Well, it was snowing, and it was a little bit light right there, and I recognized him, as seeing him before.

Mr. Sheean: Is he a man who lived at this point, Dover, or at El Reno, or where?

Mr. Modenbach: Yes, he is on that division.

Mr. Sheean: Headquarters at El Reno?

Mr. Modenbach: Yes, I suppose his headquarters are at El Reno.

Mr. Sheean: You had no talk with him?

Mr. Modenbach: No, sir.

Mr. Sheean: Or heard no talk about it—

Mr. Modenbach: No, sir, I believe not.

Mr. Sheean: Further than the statement to "Pull down," he wanted to get on the caboose?

Mr. Modenbach: No, sir, I believe that is all.

Mr. Sheean: When you were asked about whether Dover was a city or not, it is a large enough municipality, is it not, to have a speed restriction of ten miles an hour?

Mr. Modenbach: No, they have got cities larger than Dover that have no speed restrictions.

Mr. Sheean: But this particular city of Dover, did have on the time cards in existence at that time, a speed restriction of ten miles an hour, did it not?

Mr. Modenbach: I don't know anything about that. I don't know what was on the time card.

Mr. Sheean: You did have a time card furnished you, didn't you?

Mr. Modenbach: I don't know whether I had a time card or not.

Mr. Sheean: Well, the rules of the company require you to have one, don't they?

Mr. Modenbach: I don't know whether the rules of the company require the firemen to have them or not. I was just a new man then; hadn't been on the road very long.

Mr. Sheean: Whether you were on the road or not, you were furnished with a time card, were you not, whenever you went on the road?

Mr. Modenbach: I suppose if we wanted it.

Mr. Sheean: In the same way as you get a Book of Rules?

Mr. Modenbach: I don't know.

Mr. Sheean: When you spoke of the road crossing near the depot there, you mean the street or road that crosses right near the depot?

Mr. Modenbach: A highway crossing.

Mr. Sheean: And the whistling that was done as you approached Dover from that side, was whistling, both for the depot that you were to stop and for this road crossing?

Mr. Modenbach: No, I wouldn't think so.

Mr. Sheean: Did you ever make any station stop there at Dover?

Mr. Modenbach: Only when we stopped there at the switch.

Mr. Sheean: But this whistling was done as you approached the street which ran across the tracks right at the depot?

Mr. Modenbach: Yes.

Mr. Sheean: And it was at or near the whistling board which protected that street crossing that the engineer got off?

Mr. Modenbach: I think that was about where it was.

Mr. Sheean: That is all.

REDIRECT EXAMINATION.

Mr. Carter: Was this a street crossing or a road crossing?

Mr. Modenbach: This was a road crossing, public road crossing.

Mr. Carter: To make it a city it has to be a street crossing, and this was just a public road crossing?

Mr. Modenbach: Just a public road crossing, the only crossing there for a mile.

Mr. Carter: That is all.

The Chairman: You may stand aside.

(Witness excused.)

The Chairman: Call your next witness.

C. B. VANCE was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence.

Mr. Vance: C. B. Vance, Centralia, Illinois.

Mr. Carter: What is your occupation?

Mr. Vance: Locomotive fireman.

Mr. Carter: By what road are you employed?

Mr. Vance: Illinois Central.

Mr. Carter: On what division are you employed?

Mr. Vance: St. Louis Division, Centralia district.

Mr. Carter: Between what points do you run?

Mr. Vance: Centralia and Cairo.

Mr. Carter: How far is it from Centralia to Cairo

Mr. Vance: 112 miles.

Mr. Carter: How many miles do you get paid for?

Mr. Vance: 116.

Mr. Carter: For what is this additional four miles?

Mr. Vance: Going and coming from the roundhouse.

Mr. Carter: How far is the roundhouse from where you place your train at Cairo?

Mr. Vance: It is about three-quarters of a mile.

Mr. Carter: Is the roundhouse some distance from where you leave your train at Centralia?

Mr. Vance: The roundhouse is about two miles from the depot at Centralia.

Mr. Carter: Then it is for this two mile haul and back that you get this extra mileage on that trip?

Mr. Vance: Yes, sir.

Mr. Carter: Since you have been on the Illinois Central Railroad, have there been larger engines introduced?

Mr. Vance: Yes, sir.

Mr. Carter: Briefly state a description of the engines there when you accepted employment, or were accorded your position there as a fireman.

Mr. Vance: When I was employed on the Illinois Central they had a Consolidated engine that they hauled 2,500 tons with. It had a fire box of 49.5 square feet.

Mr. Carter: What engine took its place, and when?

Mr. Vance: The Mikado type engine was introduced on the Centralia district, in 1912. It had a weight on drivers of 217,000 pounds. It had a firebox, I believe, of 75 square feet.

Mr. Carter: That is, grate area?

Mr. Vance: Yes, sir, grate area.

Mr. Carter: What has been the effect of the introduction of these large engines in the way of tonnage?

Mr. Vance: There has been a great increase in tonnage on these large engines.

Mr. Carter: State what the tonnage of the Consol. was in one direction, and then the Mikado superheater in the same direction as the Consol.

Mr. Vance: The Consolidation engine now hauls 2,150 tons south; and the superheater hauls 3,000 tons south.

Mr. Carter: Has there been an increase in the rating of this Consol. in the last four or five years?

Mr. Vance: Yes, sir.

Mr. Carter: Do you know how much?

Mr. Vance: In 1910, that was when I first went there, they pulled 1,920 tons, south.

Mr. Carter: And now they haul how much?

Mr. Vance: They haul 2,150 tons, south.

Mr. Carter: Have you noticed any increase in the tonnage on these Mikado superheaters since they came there?

Mr. Vance: Yes, sir, when they came there they hauled 2,500 tons, south. Now they haul 3,000 and 3,300 tons, south.

Mr. Carter: Then, any coal tests made on these Mikado superheaters, when they first came there, would hardly be applicable to present conditions, would they?

Mr. Vance: No, sir, they would not.

Mr. Carter: Do you burn much more coal now on these Mikado superheaters than when they first came there?

Mr. Vance: Yes, sir; they burn much more coal than they did when they first came.

Mr. Carter: Is it not a fact that any new engine will burn less coal than an old engine?

Mr. Vance: Yes, sir; it is a fact that any new engine will burn less coal than an old engine.

Mr. Carter: Is it not also a fact that the method of coal accounting is very irregular?

Mr. Vance: Very irregular on our district.

Mr. Carter: The coal is checked by guess, is it not?

Mr. Vance: Yes, sir.

Mr. Carter: It is loaded into the coal chutes or buckets and put into the tank?

Mr. Vance: We have a coal chute there, and they drive up there and the first figure that comes in their mind they put it on the coal ticket as the weight, and it is hardly ever correct. The management has posted a bulletin telling them to please give more accurate account of coal on coal tickets. There is a great shortage.

Mr. Carter: According to that, then, you have been burning more coal than the engine has been charged with?

Mr. Vance: Yes, sir, we have been burning more coal than the engine has been charged with.

Mr. Carter: Does that make a shortage of coal there?

Mr. Vance: Yes, sir.

Mr. Carter: The coal account was wrong?

Mr. Vance: Yes, sir.

Mr. Carter: And they called the engineers' attention to that fact?

Mr. Vance: Yes, sir.

Mr. Carter: What did they ask the engineers to do?

Mr. Vance: They asked the engineers to take more pains and give a more correct account of coal put on tenders.

Mr. Carter: Is it possible to weigh coal when you take it?

Mr. Vance: Yes, at DuQuoin, they weigh the coal, and as a general thing on the smaller engines, at DuQuoin, they will go most generally about the same amount of coal at DuQuoin as at Carbondale, which is twenty miles south.

Mr. Carter: When you take coal through a coal chute or in coal buckets, where there is no actual weight, is it not more or less of a guess any time?

Mr. Vance: Yes, sir, always a guess.

Mr. Carter: And in this instance the engineers had not been guessing high enough?

Mr. Vance: They have not been guessing high enough.

Mr. Carter: Do these superheaters give you trouble with leaking when they get old?

Mr. Vance: Yes, sir. They have quite a great deal of trouble with the header, where the superheater units connect onto the header; after they are in service a while they go to leaking.

Mr. Carter: You don't blame the company for them leaking, do you? Is it not a fact that superheater headers always leak when they get worn a little bit, or burnt out?

Mr. Vance: In my experience they have always leaked after being used.

Mr. Carter: The railroad does the best they can to keep them in good condition?

Mr. Vance: I don't know about that. We sometimes think they might take them in and work on them more than they do?

Mr. Carter: Are these Mikado superheaters very hard to fire until they are overhauled?

Mr. Vance: Yes, sir, they are a very hard proposition.

Mr. Carter: Don't they pay a higher rate than the Consols?

Mr. Vance: They pay some higher rate, yes, sir.

Mr. Carter: What is the difference in the rate?

Mr. Vance: Thirty cents.

Mr. Carter: Do the older men prefer the Consols?

Mr. Vance: They prefer the Consolidation engine to the Mikado type.

Mr. Carter: And who generally fires these big Mikado superheaters?

Mr. Vance: Why, the men that can't hold anything else generally fire the superheaters.

Mr. Carter: Notwithstanding the fact that the rate is higher on that engine?

Mr. Vance: Notwithstanding the fact that the rate is higher, yes, sir.

Mr. Carter: You spoke of this increased tonnage. How many firemen are older than you?

Mr. Vance: At the present time there are about forty-one or forty-two firemen firing, that are older than I am.

Mr. Carter: Have you slipped back any by demotion of engineers?

Mr. Vance: Yes, sir.

Mr. Carter: How much? How many engineers have been demoted?

Mr. Vance: We have thirty-five engineers that are back, firing.

Mr. Carter: Has the Illinois Central Road done a very good business this past year?

Mr. Vance: Yes, sir; the Illinois Central Road has had a good business.

Mr. Carter: You haven't noticed any falling off in business in 1914 over other years?

Mr. Vance: No, not in cars going through the yard, we have not.

Mr. Carter: According to your judgment, the Illinois Central has done a fair business?

Mr. Vance: They have done a normal business.

Mr. Carter: Then, according to your judgment, these men

that have been set back have not been set back on account of depression in business?

Mr. Vance: I don't think so.

Mr. Carter: You think it is because of the increased tonnage?

Mr. Vance: Because of the increased tonnage, yes, sir.

Mr. Carter: How many firemen are laid off in your seniority district?

Mr. Vance: We have about forty-five firemen laid off, and then we have about eight or ten firemen used now and then in case of emergency, besides the forty-five.

Mr. Carter: Now, let me ask you this question: Did you formerly make miles on more trips than you now make miles on? That is, did the speed of the train used to be higher than it is now?

Mr. Vance: Yes, sir.

Mr. Carter: The heavier the drag, the slower the speed anywhere, is that not true?

Mr. Vance: Yes, sir.

Mr. Carter: And the reduction of the speed of a train from more than ten miles an hour to less than ten miles an hour, is an actual reduction in the earnings of firemen?

Mr. Vance: Yes, sir.

Mr. Carter: The wages of firemen?

Mr. Vance: Yes, sir.

Mr. Carter: Have you ever fired passenger engines?

Mr. Vance: Yes, sir.

Mr. Carter: Do you consider that a snap?

Mr. Vance: No, sir; firing a passenger is a very hard job.

Mr. Carter: Now, describe how hard it is.

Mr. Vance: Well, on passenger you start out and you have got to keep a good, solid fire, and you have got to keep right after it, and when you hit a curve you are most generally overbalanced. We have several cases where we have reverse curves there, and some of them very sharp, and we are very often thrown from our feet; and we have an air door there, and if our feet slip off the air pedal on the air door, the air door going closed, why we will hit the door with the shovel and it will stove our arms up; and sometimes we are almost thrown out of the

gangway, although it is protected by a chain which is fastened between the cab and tender.

Mr. Carter: About how long are you in transit between Cairo and Centralia?

Mr. Vance: On our limited runs we are generally in actual running time about three hours and forty-five minutes.

Mr. Carter: About how much coal do you burn in that length of time?

Mr. Vance: We will burn from seven to eight tons from Centralia to Cairo.

Mr. Carter: Do you consider it harder to fire coal under those conditions than if the speed of the train was not so high?

Mr. Vance: It is very much harder.

Mr. Carter: How much do you get for a round trip from Centralia to Cairo and back? You are paid by the round trip are you not?

Mr. Vance: Yes, sir, we are paid for the trip, for that matter. We get $6.62 for the round trip, or $3.31 for one way over the road.

Mr. Carter: Tell me about how long you are on duty in this three and a half hour trip?

Mr. Vance: Well, we are generally called two hours and fifteen minutes to two hours and thirty minutes before leaving time, on account of getting down to the roundhouse, and we have to go down in time to catch a car that will enable us to get there about an hour or an hour and ten minutes before leaving time. We get down and do the work on our engine, and look at the water, and then we have to leave for up town about thirty or forty minutes before leaving time. Sometimes we don't leave that far from leaving time, but most generally we do, because trains are pulling out of the yard there and oftentimes block the engines, and in crossing the C. B. & Q. crossing at Centralia we are oftentimes blocked, and the men take it on themselves to go up there and get up there sooner rather than to be blocked and delay the train.

Mr. Carter: About an hour?

Mr. Vance: About an hour.

Mr. Carter: And then you say you are about three hours and forty-five minutes going down?

Mr. Vance: Yes.

Mr. Carter: About how long is it before you are relieved at the other end of the road?

Mr. Vance: We are there from forty minutes to an hour.

Mr. Carter: How long are you on duty before the train leaves Cairo on the return trip?

Mr. Vance: We generally report in from forty-five minutes to an hour before leaving time, and get our engine ready.

Mr. Carter: And are three hours and forty-five minutes coming back, did you say?

Mr. Vance: About the same, yes, sir.

Mr. Carter: How long before you are relieved at the roundhouse two miles distance out of Centralia?

Mr. Vance: Oh, different times, it varies. Sometimes we are blocked and don't get back for two hours, but ordinarily we are about forty minutes.

Mr. Carter: Then you are, on this round trip, a little over eleven hours on duty?

Mr. Vance: Yes, sir.

Mr. Carter: How long are you held at Centralia before you start back?

Mr. Vance: We generally have a pretty fair lay-over at Centralia. For instance, we go in on number 4 and we lay over until three that night. We get in in the morning at 4:50, I believe, is the time. I am not exactly sure of the time. We get up that night at 1:06, I believe is the time.

Mr. Carter: About how long will an entire round trip be, counting the detention or lay-over at Centralia? I have it figured out here at about seventeen hours from your figures. I don't know whether that is right?

Mr. Vance: I think that is about right.

Mr. Carter: And for that you get paid for two trips, twice $3.31, or $6.62 for the round trip?

Mr. Vance: We get $6.62 for the round trip.

Mr. Carter: What do you do after making this round trip, the next day?

Mr. Vance: Why, if we get in on No. 4 for example—

Mr. Carter: At Centralia, I mean.

Mr. Vance: That is at Centralia; we generally go home and go to bed.

Mr. Carter: You don't make another trip that day, do you?

Mr. Vance: No, sir, we don't make another trip that day.

Mr. Carter: What time do you get into Centralia?

Mr. Vance: About 4:50.

Mr. Carter: In the morning?

Mr. Vance: I think so.

Mr. Carter: How long do you stay in bed?

Mr. Vance: Well, it is generally about an hour and a half or two hours before we can get home; and then we eat a bit and go to bed and stay there until two or three o'clock in the afternoon, when we get up and eat supper, and when supper is over we possibly read a newspaper and then go back to bed and sleep until they call us, which is generally about 10.30.

Mr. Carter: Do you think this prolonged rest and repeated rest is necessary, or is it a habit?

Mr. Vance: It is absolutely necessary because a man going out on the run has got to have his rest if he does his duty.

Mr. Carter: Have you ever lost any time on account of injuries?

Mr. Vance: Yes, sir.

Mr. Carter: Describe them.

Mr. Vance: I was going down on No. 5 one day, a mail train, and the roundhouse helpers had neglected cleaning off the engine, and were very negligent in putting sand in the sand box of the engine. They spilled sand all over the running board and jacket, and being summer time I had to have my front window open, and the sand got in my eyes, and it kept bothering me. So I went to the doctor and he took out four or five grains of sand out of my eyes, and I lost eight days.

Mr. Carter: That is only a minor affair, however, is it not?

Mr. Vance: That is only an ordinary case.

Mr. Carter: Have you ever lost any other time on account of injuries?

Mr. Vance: Yes, sir. At Carbondale the firemen are required to get up and take their own coal, and on this occasion I was on 51, going south. I had taken water and taken coal, and the tanks are very hard to coal up with the coal chute there, as it leaves a vacant space on each side, and in order to get enough coal to run us we have to heap our coal up. The firemen gen-

erally take and kick the lumps down, so they won't fall on their heads, but this time the engineer was in a hurry and he started out, and I kicked as many lumps over as possible, but a lump of coal came down and hit me on the head as I was putting in fire, and cracked a gash in my head, that I have the scare of yet, about two to two and a half inches long. I lost something like eight or nine days on account of that, I don't just remember the exact days.

Mr. Carter: Are not these accidents that firemen must expect to meet with?

Mr. Vance: Yes, sir.

Mr. Carter: That is not because the company is at fault, is it?

Mr. Vance: Well, they try to remedy these things in some cases. They could remedy them still better.

Mr. Carter: Is it not a fact that these accidents must arise in the occupation of locomotive firemen?

Mr. Vance: Yes, sir.

Mr. Carter: And do arise?

Mr. Vance: Yes, sir, they will and do.

Mr. Carter: That is a risk that it used to be said they accepted when they took the job?

Mr. Vance: Yes, sir, it is supposed that we accept those risks.

Mr. Carter: Do you know anything about the cost of living?

Mr. Vance: Yes, sir, my cost of living has increased a great deal on the road and at home. My wife formerly, in 1910, generally used from $12 to $18 for groceries, where now she uses from $18 to $25.

Mr. Carter: And the meals away from home have also increased in cost?

Mr. Vance: Yes, sir, in some instances the meals have not increased in value, but they are so bad that a man don't care to eat a meal at all. He will go to the lunch counter and take an order that will cost him forty-five or fifty cents in preference to taking the twenty-five cent meal, because the twenty-five cent meal isn't fit to eat.

Mr. Carter: Don't you think it is extravagant that a fireman should eat a forty-five or fifty cent meal?

Mr. Vance: No, a fireman has to eat a great deal in order to keep his strength up.

Mr. Carter: Something like the locomotive, he needs fuel to pull tonnage?

Mr. Vance: Yes, sir, the more tonnage the more you eat.

Mr. Carter: Have you ever served as a hostler?

Mr. Vance: No, sir.

Mr. Carter: Do you ever have to shovel down your coal?

Mr. Vance: Yes, sir, we most always have to shovel down coal on a tonnage train.

Mr. Carter: On a tonnage train, don't you think there should be, on these big Mikado superheaters, two firemen?

Mr. Vance: Yes, sir, I think so. In fact, I know there ought to be.

Mr. Carter: Who shovels down the coal for you, when it is shoveled down, and you are not able to shovel it?

Mr. Vance: When I am not able to shovel it down, sometimes the engineer gets up and shovels it down, and if he don't want to do it, he whistles for the brakeman, and he comes down there and shovels it down, and if he don't do it, it is up to the fireman to do the best he can.

Mr. Carter: Now, Mr. Chairman, I want to read a letter into the record, and of course, if it is not right, it will be in the record and can be corrected by counsel for the railroads. We want to show that firemen are not permitted to let anybody shovel down the coal for them, except the engineer or brakeman.

This is the Union Pacific Railroad, office of the superintendent, dated at Denver, Colorado, August 25, 1914. (Reading):

"Mr. J. A. French,
Engineer, Pullman.

Dear Sir: Your record has been assessed fifteen demerits for carrying a 'coal passer' on train extra 293 east, July 26, 1914.

Yours truly,
A. T. VICKROY."

Now, this is Mr. French's statement:

"In addition to the above demerits, I had to sign a statement, that I would not carry any more coal passers before I could go to work.

"This engine burned about 17 tons of coal each trip from Laramie to Buford, a distance of 30 miles. It was necessary to reduce tonnage with this engine in order to go from Laramie to top of hill for coal."

We will just introduce this to show the conditions under which firemen are placed where the engineer cannot help him shovel down coal.

The Chairman: Is a coal passer one who aids a fireman?

Mr. Carter: It seems this man was a hobo.

The Chairman: I imagined so.

Mr. Carter: And the engineer let him get up on the engine and ride to help the fireman shovel down the coal, against the rules of the company.

Mr. Park: How much coal did he burn on that trip, Mr. Carter?

Mr. Carter: I will read you his note again.

(Record read as above recorded.)

CROSS EXAMINATION.

Mr. Sheean: Mr. Vance, how long have you worked for the Illinois Central?

Mr. Vance: I was hired in November, 1908; November 1st, 1908.

Mr. Sheean: And you have always run on the Centralia district?

Mr. Vance: Always run on the Centralia division with the exception of a few trips. I have always been on the St. Louis division, but I was on the St. Louis district a few trips on a manifest run and a few passenger runs, which used to be joint runs with us.

Mr. Sheean: What are you firing there now?

Mr. Vance: I am now firing a night switch engine.

Mr. Sheean: In the Centralia yard?

Mr. Vance: Yes, sir.

Mr. Sheean: And this coal accounting that you speak of; weren't the changes about fuel records,—the method of fuel accounting,—weren't they changed about 1910?

Mr. Vance: No. If I understand your question aright—

Mr. Sheean: You spoke something about at one time the records being very inaccurate?

Mr. Vance: Well, that has been in the last year.

Mr. Sheean: The last year?

Mr. Vance: Yes, sir.

Mr. Sheean: That more accurate coal accounting—

Mr. Vance: Should be given.

Mr. Sheean: Should be given?

Mr. Vance: Yes, sir.

Mr. Sheean: And as to the coal charged up to different engines in the time before that, whether the engineer got credit for burning too little coal or was charged up with burning up too much, might be one in one case and the other in the other, might it not?

Mr. Vance: According to the company's bulletin, it was hardly that, because they said "We have a shortage of coal that must be accounted for."

Mr. Sheean: And whether or not that shortage of coal was between the in records of the coal or the out records of the locomotives, whether part of it was stolen or part used in the roundhouse work or part used elsewhere, you have no knowledge?

Mr. Vance: Well, there at Centralia, we used to go up to the mine and put in coal, which they do not do any more. They have a coal chute there now at DuQuoin. As a general thing at DuQuoin they have a coal chute and they will get a coal ticket for as much as at Carbondale, where they have the same train at Carbondale as at DuQuoin, the same number of cars, they get about the same, whether they went twenty miles more—some of them do.

Mr. Sheean: The effort now is to keep an accurate record of what the engines actually get out of the different places?

Mr. Vance: Yes, sir; the officials want the men to keep as accurate an account as possible.

Mr. Sheean: At Centralia there isn't any actual weighing of the coal?

Mr. Vance: No.

Mr. Sheean: How is it taken in there, through a chute?

Mr. Vance: Through a coal chute.

Mr. Sheean: And the amount is determined by the number of feet that you fill up in the tank?

Mr. Vance: Well, the engineer generally just makes a guess

at it, and we have regular engines and they do not want to overestimate it, and they hardly ever do.

Mr. Sheean: The engineer's effort, of course, on the fuel accounting is to make as good an efficiency record as he can?

Mr. Vance: Well, yes, in a way. They have never thought a whole lot about being so accurate until here lately in the last—I might say the last month or two, they have been paying more attention to it and trying to get a more accurate account.

Mr. Sheean: But there is a good faith effort, both on the part of the company and of the men, to find out what the engines actually burn on the line?

Mr. Vance: Yes, sir.

Mr. Sheean: And that effort now is causing a closer check to be kept by the men themselves?

Mr. Vance: Yes, sir; after the engineers found out that the company wanted them to give as near as possible a correct account, they in most instances tried to do that.

Mr. Sheean: Now, the Mikado engines that are being used there now have a rating, south, of 3,000 or 3,300 tons?

Mr. Vance: Yes, sir; along in the summer they pull 3,300 tons, south.

Mr. Sheean: And the winter rating is 3,000, is it?

Mr. Vance: Well, they have no particular rating; they generally put on all they can pull, and if they cannot pull it they reduce it.

Mr. Sheean: These Mikado engines were put in there in 1912?

Mr. Vance: Yes, sir, in 1912.

Mr. Sheean: Some Consolidations are still used on that division?

Mr. Vance: Yes, sir, they have quite a number of Consolidation engines there.

Mr. Sheean: What is the method of operation at Centralia, in the freight service; are the engines pooled?

Mr. Vance: No, sir; we have regular engines, and then the crews are pooled; each crew represents his engine.

Mr. Sheean: But the crew stays with that engine?

Mr. Vance: Stays with the engine, yes, sir.

Mr. Sheean: All of these Mikados are superheated, are they not?

Mr. Vance: Yes, sir.

Mr. Sheean: And the difficulty that you spoke of here, as to the coal, was the passing of the coal, so as to have it within reach of the fireman?

Mr. Vance: Yes, sir.

Mr. Sheean: Then these particular engines are not equipped with any coal passers or sloping tanks?

Mr. Vance: They have a sloping tank, but the slope is back so far that it does not do us any good, and the quality of our coal is very poor, and it will not roll ahead, and we don't go back very far or use much coal, until we have to dig it down.

Mr. Sheean: For a time, the sloping tank brings down the coal?

Mr. Vance: The sloping tank does not help us at all.

Mr. Sheean: It does not help you at all?

Mr. Vance: No, sir.

Mr. Sheean: Does not bring any of it down?

Mr. Vance: No, when it gets back so far that the coal will not come down any further, it is not back of the slope of the tank yet. You take a pile of coal, and you can shovel a certain amount out of there and it will quit falling down. That is the way it is with our tanks. The slope is back further, and it does not help us at all.

Mr. Sheean: Not even at the beginning of the load, does it not help a little?

Mr. Vance: No, not at all.

Mr. Sheean: Is there not a constant movement forward when you scoop out a little space, when you fire the Mikado?

Mr. Vance: We have a space right here in front, and it is straight down from the top, and when that has come down and gone back here a little ways, we have to take our coal pick and rake or dig our coal down, from there on. Sometimes we can get more coal ahead than others; sometimes we get better coal than other times, and when we get better coal there is more coal comes ahead, and when we get worse coal it will not come ahead as good.

Mr. Sheean: What is this poorer coal that moves ahead less readily?

Mr. Vance: Well, it is slack.

Mr. Sheean: It is only in the case of that slack which packs in there that you have this constant difficulty?

Mr. Vance: Yes, sir, it gets wet and packs in.

Mr. Sheean: Where does the bad quality of coal come from; is it limited to certain mines?

Mr. Vance: We generally get bad coal at Mounds, Cairo, Carbondale and Centralia.

Mr. Sheean: And the good quality comes from where?

Mr. Vance: We generally get good coal at DuQuoin.

Mr. Sheean: With the quality of slack coal which you speak of there, the difficulty which is encountered is because of that caking and packing?

Mr. Vance: I beg pardon?

Mr. Sheean: The slack coal packs in there solid and does not slide?

Mr. Vance: Yes, sir, very solid.

Mr. Sheean: You have never fired upon any automatic coal pusher?

Mr. Vance: No, sir.

Mr. Sheean: When were these engineers, who are now firing on this division, demoted?

Mr. Vance: At different times. The last bunch was demoted, I believe, last month some time.

Mr. Sheean: How many were there then?

Mr. Vance: I cannot recall. (Referring to paper.) I have only three here that have been demoted in the last two months, I believe. We have some others here that have been demoted in the last year. I do not believe that they have been in the last two months.

Mr. Sheean: About how many in the last year?

Mr. Vance: We have six that have been demoted in the last year.

Mr. Sheean: Where is your position on the firemen's list proper?

Mr. Vance: On the firemen's list proper I am six times out for promotion.

Mr. Sheean: What is it?

Mr. Vance: Six times out for paper promotion.

Mr. Sheean: So that all of these others that are above you are engineers, except the six?

Mr. Vance: Excepting those six, they are all engineers.

Mr. Sheean: And some of them who are engineers were examined and promoted here within the last year?

Mr. Vance: Yes, sir, we have six that were promoted in 1914.

Mr. Sheean: And you are in the next list of six?

Mr. Vance: Yes, sir.

Mr. Sheean: Eligible to promotion as engineers?

Mr. Vance: Yes, sir.

Mr. Sheean: Now, the number that were demoted during the last year, that covers the year 1914, you are speaking of?

Mr. Vance: Yes, sir.

Mr. Sheean: Were there any demoted in 1913?

Mr. Vance: Yes, sir, we have eight besides those that were demoted in 1913—no, we have more than that; we have twelve that were demoted in 1913.

Mr. Sheean: In 1913?

Mr. Vance: Yes, sir.

Mr. Sheean: There has been no heavier power come on there, no change in power since 1912, has there?

Mr. Vance: No, sir, there has been no change in power since 1912.

Mr. Sheean: And what time in 1912 was it that the heavier power came on?

Mr. Vance: I cannot say for that, but I believe it was along in the fall.

Mr. Sheean: How long have you been on this switch engine, Mr. Vance?

Mr. Vance: I have been on the switch engine a little less than two months, I believe, or a little less than three months, about three months.

Mr. Sheean: Just before that what were you doing?

Mr. Vance: I was firing an engine.

Mr. Sheean: In freight service?

Mr. Vance: Yes, sir.

Mr. Sheean: For how long?

Mr. Vance: I fired it from—

Mr. Sheean: Oh, I just want it approximately. If you have a memorandum—

Mr. Vance: I have it.

The Chairman: Could you give the time, approximately?

Mr. Vance: Well, along in the spring.

The Chairman: That is better. We can get along faster.

Mr. Sheean: How long were you on that run altogether?

Mr. Vance: I was firing a Consolidation engine about four or five months, six months possibly.

Mr. Sheean: What is the fireman's pay on a Consolidation engine?

Mr. Vance: $3.45 a hundred miles.

Mr. Sheean: The run between Centralia and Cairo that you spoke of.

Mr. Vance: Well, on freight we run from Centralia to Mounds. We get 103 miles for it.

Mr. Sheean: 103 miles?

Mr. Vance: Yes, sir.

Mr. Sheean: At $3.45 per hundred?

Mr. Vance: Yes, sir; it pays us a little less than—about $3.54, I think, for the trip.

Mr. Sheean: And the Mikado pays $3.75?

Mr. Vance: $3.75.

Mr. Sheean: What is the tonnage rating north bound, there?

Mr. Vance: North bound—on which engines?

Mr. Sheean: On the Mikados.

Mr. Vance: 4,000 tons.

Mr. Sheean: And is there any change in the traffic at different seasons of the year on this part of the Illinois Central?

Mr. Vance: Yes, sir, we have quite a good deal of change in traffic on the Illinois Central.

Mr. Sheean: Just give us a general idea of when the traffic changes.

Mr. Vance: Well, in the spring and in the summer, early summer, they have quite a good deal of perishables, bananas, and all tropical fruits; and then they have the home fruits from southern Illinois, which makes quite a good deal of business with us; and in the fall and winter, they have coal and along in the early and later winter they haul a good deal of lumber and cotton.

Mr. Sheean: Now, in about what time is this run from Mounds to Centralia made, on the fruit trains?

Mr. Vance: They sometimes make it in five hours—all the way from five to nine hours.

Mr. Sheean: On the other freight that you speak of, about what is the length of time?

Mr. Vance: On dead freight, you mean?

Mr. Sheean: Yes.

Mr. Vance: Why, all the way from eleven hours—on some few occasions in nine or ten hours, but most generally from eleven hours to fifteen hours and thirty minutes.

Mr. Sheean: South bound, is there any difference in the running time there?

Mr. Vance: Yes, on the south bound trip that varies a great deal.

Mr. Sheean: And there is quite a fluctuation in the volume of the south bound traffic at different seasons of the year?

Mr. Vance: Yes, sir, there is quite a fluctuation in the volume of the south bound traffic.

Mr. Sheean: The loads are going north, most of the year, and empties south?

Mr. Vance: Our heaviest business is north.

Mr. Sheean: The trains going south are lighter than the trains going north?

Mr. Vance: Yes, our tonnage is lighter going south, than north.

Mr. Sheean: Do these fast freights or perishable freights —are those in the same pool with the drags?

Mr. Vance: Yes, sir.

Mr. Sheean: So that all the men who run in that pool trust to luck on getting a fast or a slow one?

Mr. Vance: Yes, sir. If you are lucky you get a manifest train, if you are out of luck you get a dead freight.

Mr. Sheean: At the end of the month or a year, the thing averages up with the men in the pool?

Mr. Vance: It is supposed to average up about even.

Mr. Sheean: That is the most satisfactory way to handle that, is it?

Mr. Vance: Well, I can hardly speak on that. We used to have preferred runs there when most of these manifest runs were preferred, and they abolished those. Everything is now chain gang. Some preferred to have the preferred runs.

Mr. Sheean: That is, the men who would get the assigned fast freights would prefer them and the others would rather have them in the pool?

Mr. Vance: Well, these men that were on these fast freights were old men that are practically not able to stand up under chain gang work.

Mr. Sheean: There is a difference of opinion among the men themselves as to whether the one way or the other is the better?

Mr. Vance: Yes, sir.

Mr. Sheean: For how long have they been pooling the fast and slow trains?

Mr. Vance: They have been pooling them since June—either May or June, 1912.

Mr. Sheean: With the fluctuations of business there that you have described, Mr. Vance, between Centralia and Mounds, the crews are kept down in accordance with the request of the men, are they?

Mr. Vance: Well, no, they are not. They have the regular engines there and the company desires to keep these regular men on them as much as possible, and they ask them not to have the pool reduced any more than possible.

Mr. Sheean: That is, the company asks the men not to cut it?

Mr. Vance: Yes, sir.

Mr. Sheean: All I meant, Mr. Vance, was the question of cutting down the number of crews there; is it determined by the men?

Mr. Vance: Yes, sir; the men have the decision on it.

Mr. Sheean: Because of the assignment of the men to the engines, it would be the company's preference to keep them there, so long as the men are satisfied?

Mr. Vance: So long as the men are satisfied, they had rather keep them on the engines.

Mr. Sheean: So when there comes a cut in the men there, it is done at the request of the men?

Mr. Vance: Yes, sir.

Mr. Sheean: Upon complying with that request of the men, the man who is cut out of the pool drops back on the extra list?

Mr. Vance: Yes, sir.

Mr. Sheean: So that this demotion that you speak of here

that has occurred in the last year or two, the demotion of engineers, has been in accordance with the request of the men to cut the size of the pool, whenever there has been a dropping back or demotion?

Mr. Vance: The men have requested it, yes, sir.

Mr. Sheean: That is all.

RE-DIRECT EXAMINATION.

Mr. Carter: Is it not a fact that an engineer making out a coal ticket must guess at how much coal he gets down out of a coal chute?

Mr. Vance: Yes, sir, he must guess at it.

Mr. Carter: They do the best they can?

Mr. Vance: Yes, sir.

Mr. Carter: Until such time as they weigh it?

Mr. Vance: It would be absolutely impossible.

Mr. Carter: You think, however, that the statement of the coal consumed is rather under than over the amount you did consume?

Mr. Vance: Yes, sir, I think it is. In fact, I know it is under.

Mr. Carter: You were asked a question in connection with the change of power and the increase of tonnage, if there has been any change in power since 1912, and your reply was yes. There has been a change in tonnage since then?

Mr. Vance: Yes, sir, there has been a great change in tonnage.

Mr. Carter: The demotion of these men is due to the increase in tonnage with the same engines, rather than to the request of the men?

Mr. Vance: Yes, sir, it is due to the increase in tonnage.

Mr. Carter: That is all.

The Chairman: Call the next witness.

Mr. Carter: Mr. Hicks.

MARK T. HICKS was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence.

Mr. Hicks: M. T. Hicks, Trinidad, Colorado.

Mr. Carter: By what road are you employed?

Mr. Hicks: Colorado & Southern.

Mr. Carter: In what capacity?

Mr. Hicks: Locomotive fireman.

Mr. Carter: When did you enter the service of the Colorado & Southern?

Mr. Hicks: October 19th, 1910.

Mr. Carter: How long would that make you in the service as a fireman?

Mr. Hicks: Four years and a little better than two months.

Mr. Carter: In what class of service are you?

Mr. Hicks: Freight service.

Mr. Carter: Between what points?

Mr. Hicks: Trinidad and Pueblo.

Mr. Carter: How far is the distance from Trinidad to Pueblo?

Mr. Hicks: Ninety-four miles.

Mr. Carter: How long does it generally take you to make that trip?

Mr. Hicks: Well, on the average I would say about twelve to thirteen hours.

Mr. Carter: Of course, you have some shorter trips?

Mr. Hicks: Yes, sir.

Mr. Carter: And some longer trips?

Mr. Hicks: Yes, sir.

Mr. Carter: You are sometimes held up?

Mr. Hicks: Yes, sir.

Mr. Carter: About how much coal do you consume between Trinidad and Pueblo?

Mr. Hicks: Well, between Trinidad and Pueblo, going north, we consume, on the average, ten to fourteen tons.

Mr. Carter: How much going south?

Mr. Hicks: From nineteen to twenty-two tons, on the average.

Mr. Carter: You consume from nineteen to twenty-two tons going that 94 miles?

Mr. Hicks: Yes, sir.

Mr. Carter: How do you do it—do you shovel it yourself?

Mr. Hicks: I certainly do, yes, sir.

Mr. Carter: Are there trips where you do not have that much coal to burn?

Mr. Hicks: Yes, we have a trip once in a while when we do not use that much coal.

Mr. Carter: Do you have trips where you use more?

Mr. Hicks: Yes, sir.

Mr. Carter: How much have you used?

Mr. Hicks: Twenty-eight tons.

Mr. Carter: Do you do that within the Sixteen Hour Law?

Mr. Hicks: Yes, sir.

Mr. Carter: Don't you think you need some help there?

Mr. Hicks: I should say so.

Mr. Carter: You are sometimes tired out trying to shovel this coal, are you not?

Mr. Hicks: Yes, sir.

Mr. Carter: Are you on the same track or a part of the same track that is run over by the engineer Ralston of the Denver & Rio Grande, from Walsenburg to Pueblo?

Mr. Hicks: Yes, sir.

Mr. Carter: It is a joint track, is it not?

Mr. Hicks: Yes, sir.

Mr. Carter: Have there been any larger engines introduced?

Mr. Hicks: None whatever.

Mr. Carter: Has there been an increase in the tonnage on the same engines?

Mr. Hicks: Yes, sir.

Mr. Carter: Is that largely brought about by taking out the humps between Walsenburg and Pueblo?

Mr. Hicks: Yes, sir.

Mr. Carter: Putting in new track?

Mr. Hicks: Yes, sir.

Mr. Carter: Has this been of benefit to the firemen?

Mr. Hicks: I cannot say it has.

Mr. Carter: Has it increased their labors greatly?

Mr. Hicks: Yes, sir.

Mr. Carter: Has it increased the revenues of the company?

Mr. Hicks: I suspect it has.

Mr. Carter: You say you believe there should be some assistance given to the firemen?

Mr. Hicks: Yes, sir.

Mr. Carter: Do you believe there should be two firemen on this run?

Mr. Hicks: I do.

Mr. Carter: Don't you think it would be possible to make it unnecessary to tie up sometimes, if you had two firemen?

Mr. Hicks: Yes, sir.

Mr. Carter: Do you think it would probably reduce the overtime on many trips if you had two firemen?

Mr. Hicks: There is no question in my mind but what it would.

Mr. Carter: About how much do these tanks on your engines hold—how much coal?

Mr. Hicks: They hold 18 tons.

Mr. Carter: How much of that rolls down so that you do not have to shovel it down, so you can reach it?

Mr. Hicks: I should say seven tons.

Mr. Carter: The rest has to be handled twice?

Mr. Hicks: Yes, sir; in the neighborhood of eleven tons.

Mr. Carter: If it was not for the engineer helping you shovel this coal down, what would you do?

Mr. Hicks: I would have to get it down.

Mr. Carter: You would have to quit, would you?

Mr. Hicks: Yes, sir.

Mr. Carter: You would have to get it down?

Mr. Hicks: Yes, sir.

Mr. Carter: Could you get it down or have you gotten it down?

Mr. Hicks: I have gotten it down, yes, sir.

Mr. Carter: What has been the effect of this increased tonnage on your standing on the firemen's list?

Mr. Hicks: Well, I cannot say that it has—it has set me back a great deal.

Mr. Carter: Has it set a lot of engineers back?

Mr. Hicks: Yes sir.

Mr. Carter: If it has set a lot of engineers back, doesn't that make a lot more men firing ahead of you?

Mr. Hicks: Yes, sir.

Mr. Carter: Hasn't that affected you?

Mr. Hicks: Yes, sir.

Mr. Carter: At present prospects how long do you think it will be before you will be not a paper engineer but a regular engineer?

Mr. Hicks: I should say in fifteen or sixteen years.

Mr. Carter: If, as was claimed by the railroads formerly, on account of the rapid promotion, a part of a fireman's compensation was his prospect for such promotion, and now that that prospect for promotion has disappeared, on account of the increase in tonnage, do you believe you should now have additional wages or compensation for your loss of prospect of promotion?

Mr. Hicks: I do, yes, sir.

Mr. Carter: About how many firemen older than you are are there now?

Mr. Hicks: 32, I believe.

Mr. Carter: Have there been many firemen laid off?

Mr. Hicks: Yes, there has been quite a good many laid off. I should say all of fifteen or twenty.

Mr. Carter: Have you ever served as a hostler?

Mr. Hicks: No, sir.

Mr. Carter: Have you ever served on a work train?

Mr. Hicks: No, sir.

Mr. Carter: Have you ever served on local trains?

Mr. Hicks: Yes, sir.

Mr. Carter: Do you like a local train?

Mr. Hicks: No, sir.

Mr. Carter: Wouldn't you bid it in if you got one?

Mr. Hicks: I should say not.

Mr. Carter: Why?

Mr. Hicks: Too much work.

Mr. Carter: More work than you told us about?

Mr. Hicks: Yes, sir.

Mr. Carter: Well, explain.

Mr. Hicks: Well, taking a local, for instance, we will go out of Trinidid in the morning with about 45 cars and a local car on the hind end and a water car on the other end, and you have to stop and switch and handle merchandise and you have always got to watch out for signals, and you will use a little more coal on a local train than in through freight service, and it takes a little more attention.

Mr. Carter: Is it not a fact that while you are doing this switching, the man who came out behind you, out of Trinidad, passes you?

Mr. Hicks: Yes, sir, that is a common occurrence.

Mr. Carter: And he makes another trip that you do not make, is that not true?

Mr. Hicks: Yes, sir.

Mr. Carter: He gets his rest while you are out on the road?

Mr. Hicks: Yes, sir.

Mr. Carter: One of the objectionable features, as I understand you, as to the local trains, is that you cannot keep your turn in the pool?

Mr. Hicks: No, sir, you cannot.

Mr. Carter: Do you know anything about the increase in the cost of living?

Mr. Hicks: Well, nothing worth while.

Mr. Carter: Have you noticed any?

Mr. Hicks: Yes, I have noticed some increase in the cost of living. When I first came to Trinidad you could get a meal there for 25 and 30 cents. Now, you have to pay 35 and 40 cents for it. In Pueblo, it is about the same thing, and the same old routine, corned beef and cabbage and veal stew and the like of that you have got to live on.

Mr. Carter: That is all.

The Chairman: Mr. Sheean, the witness is with you.

CROSS EXAMINATION.

Mr. Sheean: Mr. Hicks, the local trains are run in the same pool with the through trains there, are they?

Mr. Hicks: Yes, sir.

Mr. Sheean: So that if you caught a local today and were passed by the other man, you might be the one who would pass him, the next time out?

Mr. Hicks: Yes, sir.

Mr. Sheean: And that method of running the local trains in the pool is not a general practice on all railroads, is it?

Mr. Hicks: Well, I don't know as to that.

Mr. Sheean: Your experience has been entirely on the Colorado & Southern?

Mr. Hicks: Yes, sir. As a locomotive fireman, it has been.

Mr. Sheean: When were you hired by the Colorado & Southern as a fireman—in 1910, did you say?

Mr. Hicks: Yes, sir.

Mr. Carter: How many men were ahead of you on the firemen's list when you first entered their employ?

Mr. Hicks: My seniority number was 43, I believe.

Mr. Sheean: 43?

Mr. Hicks: Yes, sir.

Mr. Sheean: And when was the change in alignment made there, the reduction of grades?

Mr. Hicks: It was started in along about January, 1911, I believe—something like that.

Mr. Sheean: And completed about when?

Mr. Hicks: About November 15th, 1911. That is when we made the first trip over it.

Mr. Sheean: Now, since November 15th, 1911, has there been any change there in the grades or motive power, on that road?

Mr. Hicks: There has been no change in power, but there has been a change in the grade.

Mr. Sheean: Since November, 1911?

Mr. Hicks: Yes, sir.

Mr. Sheean: And what further grade reduction has taken place since November, 1911?

Mr. Hicks: Why, none on the Colorado & Southern, that I know of. There has been no change of track.

Mr. Sheean: The way I understood you, they completed the new line in November, 1911.

Mr. Hicks: They completed the new line November 15th, 1911.

Mr. Sheean: Since November 15th, 1911, the grades over which you run, between Trinidad and Pueblo, and the power with which you make the run, have remained the same?

Mr. Hicks: Remained the same.

Mr. Sheean: So, any drop, if any, in the number of crews since November, 1911, has been due to neither a change in the alignment or a change in the motive power?

Mr. Hicks: No, it has not been due to any change in motive power—no change in that.

Mr. Sheean: And what is the class of engine that you run there?

Mr. Hicks: Consolidation.

Mr. Sheean: Do you know what weight on drivers?

Mr. Hicks: Something like 172,000 pounds.

Mr. Sheean: 172,000 pounds?

Mr. Hicks: Yes, sir.

Mr. Sheean: That is the heaviest type of power they are using?

Mr. Hicks: In freight service.

Mr. Sheean: In freight service?

Mr. Hicks: Yes, sir.

Mr. Sheean: Do they have heavier than that in passenger service?

Mr. Hicks: I believe so. I don't know the weight of them.

Mr. Sheean: You haven't run in passenger service there, have you?

Mr. Hicks: No, sir.

Mr. Sheean: Now, this part of the line has been pretty seriously affected by the long continued coal strike out there, hasn't it?

Mr. Hicks: Well, not so very much. We haven't noticed it so very much. Of course, there has been some fluctuation in business, when the coal strike first came out; but I cannot say there has been so awful much. Something like—Oh, I should say half.

Mr. Sheean: You are carrying about half now that you did before?

Mr. Hicks: No, I mean that they are not getting out as much coal. Say about half as much now as they did before the strike.

Mr. Sheean: And how long has that condition of affairs continued?

Mr. Hicks: Well, the miners went out on strike September 23rd, a year ago, and that of course lasted maybe a couple of months or three months or something like that, and then we had a very heavy business in coal. In the last two or three weeks it has dropped off a little bit.

Mr. Sheean: Well, now, there having been no change either in the grades or motive power on that railroad since

1911, has there been any change in the tonnage rating of the engines?

Mr. Hicks: Yes, sir.

Mr. Sheean: When was that made?

Mr. Hicks: November 15, 1911, was the first raise in tonnage.

Mr. Sheean: November 15, 1911?

Mr. Hicks: Yes, sir.

Mr. Sheean: Now, since that date, has there been any change in the tonnage rating?

Mr. Hicks: Yes, sir.

Mr. Sheean: When was the next one made?

Mr. Hicks: I cannot give you the exact date when it was changed. The time card does not show any raise of tonnage.

Mr. Sheean: It was changed from what to what?

Mr. Hicks: It was changed from 750 to 1,200 and we have hauled 1,300 tons.

Mr. Sheean: Was that old tonnage rating of 750 tons over the old line, or over the new line?

Mr. Hicks: Over the old line.

Mr. Sheean: Since the new line was opened, and this power operated on the new line, has there been any change in the tonnage rating?

Mr. Hicks: On November 15th, when we started over the new line, we started with 750 tons, if I remember, and it gradually raised until we got 1,300. We do not pull that every trip, understand—

Mr. Sheean: But, Mr. Hicks, was not this rating of this engine which they had on the old line, the same rating that you first started in with when the new line was first opened to traffic?

Mr. Hicks: Yes, sir.

Mr. Sheean: You just carried over the old rating that was given those engines on the higher grade, for a few weeks, on the new line?

Mr. Hicks: On the new line.

Mr. Sheean: After a very short period of operation on the new line with the lower curves and lower grades, the tonnage rating was changed, was it not?

Mr. Hicks: Yes, sir, it was gradually changed.

Mr. Sheean: And how long has it been at its present rating?

Mr. Hicks: Well, at the present rating I cannot hardly say, because that is due somewhat to the conditions of weather.

Mr. Sheean: Well, I mean at the summer rating; is the summer rating the highest rating given the engine?

Mr. Hicks: Yes, sir.

Mr. Sheean: Was the summer rating in 1914 the same as the summer rating in 1913?

Mr. Hicks: As far as my remembrance takes me back, it was.

Mr. Sheean: And is it not a fact that the summer rating of 1913 was the same as 1912?

Mr. Hicks: I could not say as to that.

Mr. Sheean: You could not say as to that?

Mr. Hicks: No.

Mr. Sheean: But you do know that, beginning in November, 1911, when they carried the old line rating over onto the new line, that after a short period, they got it onto a new rating, based on the new grades and curves?

Mr. Hicks: Yes, sir, that is true.

Mr. Sheean: And that has continued for a year or more?

Mr. Hicks: Yes, sir, it has continued ever since we started over the new line until the present time; it has gradually raised or lowered according to the conditions of the weather sometimes.

Mr. Sheean: This engine that you fired there is not equipped with any automatic assistance of any kind?

Mr. Hicks: None whatever.

Mr. Sheean: Any coal pusher or coal passer?

Mr. Hicks: No; nothing like that at all.

Mr. Sheean: Have they a sloping tank?

Mr. Hicks: No, it has not a sloping tank; it is what they call a tank with a pit to it.

Mr. Sheean: So that, even by the arrangement of the tank, there is no device to bring the coal within the reach of the fireman?

Mr. Hicks: No; only about seven tons of it.

Mr. Sheean: Only about seven tons of it?

Mr. Hicks: There are seven tons that will roll to you, providing your tank is full.

Mr. Sheean: But this engine is the one that was there when you first went to work there?

Mr. Hicks: Yes, sir.

Mr. Sheean: And there has been no change at all in the motive power at any time since you have been there?

Mr. Hicks: No.

Mr. Sheean: What does that run pay from Trinidad to Pueblo, to the fireman?

Mr. Hicks: $3.65 per 100 miles.

Mr. Sheean: You are paid 100 miles for that 94-mile run?

Mr. Hicks: Yes, sir.

Mr. Sheean: That is the freight?

Mr. Hicks: The freight service.

Mr. Sheean: And the time of making the trip varies?

Mr. Hicks: Oh, yes, it varies.

Mr. Sheean: What time is taken in passenger service, or have you ever fired in passenger service there?

Mr. Hicks: Yes, sir.

Mr. Sheean: What time is taken to make the trip?

Mr. Hicks: From Trinidad to Denver?

Mr. Sheean: Yes.

Mr. Hicks: Eight hours and twenty-five minutes, I believe, is the running time.

Mr. Sheean: And what is paid in passenger service to the fireman?

Mr. Hicks: Eight dollars and a dime, I believe.

Mr. Sheean: To the fireman, for a single trip?

Mr. Hicks: Sir?

Mr. Sheean: Oh, I beg pardon; I did not quite understand you. I meant a trip from Trinidad to Pueblo, if that is made in passenger service.

Mr. Hicks: I never made a trip that way.

Mr. Sheean: But you have had the run from Trinidad to Denver?

Mr. Hicks: Yes, I catch it occasionally.

Mr. Sheean: And in eight hours and twenty-five minutes it pays the fireman how much?

Mr. Hicks: Eight dollars and a dime, I believe.

Mr. Sheean: Is the same power used in that, that is used on this district which you have described there?

Mr. Hicks: No, it is not the same power.

Mr. Sheean: Heavier or lighter?

Mr. Hicks: Oh, it is much heavier. I do not know what the weight of the engine is; I never paid any attention to it whatever. I don't catch those trips only about once a month.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Carter: How far is it from Trinidad to Denver?

Mr. Hicks: Two hundred and seventeen miles.

Mr. Carter: What is the rate per mile, or per day, of one hundred miles?

Mr. Hicks: On that class of engine?

Mr. Carter: Yes.

Mr. Hicks: $3.75, I believe.

Mr. Carter: That is a large engine, is it?

Mr. Hicks: Yes, sir.

Mr. Carter: Cylinders 24 inches and over in diameter?

Mr. Hicks: Yes, sir.

Mr. Carter: That is all.

The Chairman: We will take a recess until 2:30.

(Whereupon, at 12:30 o'clock P. M., a recess was taken until 2:30 o'clock P. M.)

After Recess.

Mr. Carter: Had we finished with the witness?

Mr. Stone: Yes.

The Chairman: Yes, I think so.

E. O. LIVESAY was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence?

Mr. Livesay: E. O. Livesay; Denison, Texas.

Mr. Carter: By what road are you employed?

Mr. Livesay: Missouri, Oklahoma & Gulf.

Mr. Carter: In what capacity?

Mr. Livesay: Locomotive fireman.

Mr. Carter: When were you employed there?

Mr. Livesay: February, 1912.

Mr. Carter: Not quite three years seniority as a fireman?

Mr. Livesay: No, sir.

Mr. Carter: Have you seen any of the larger engines introduced there, since you have been there?

Mr. Livesay: Yes, sir.

Mr. Carter: Describe them.

Mr. Livesay: We had a 200 class engine that weighed 147,850 on drivers when I went there. We have a Mallet now that weighs 255,000 pounds on drivers.

Mr. Carter: Are you firing a Mallet?

Mr. Livesay: Most of the time.

Mr. Carter: Do these larger engines pull any more tonnage?

Mr. Livesay: Yes, sir.

Mr. Carter: Can you tell me about how much, what the percentage is, or something of that kind?

Mr. Livesay: Well, the small engine pulled 1,000 or 1,050 tons, when I first went there, and the big engines, the Mallets, are pulling 2,750 tons now.

Mr. Carter: About two and a half to one?

Mr. Livesay: Yes, sir.

Mr. Carter: Does that represent about the way it affects the firemen?

Mr. Livesay: Yes, sir.

Mr. Carter: That is, one fireman is pulling about as many tons of traffic for that railroad as two and a half used to?

Mr. Livesay: Yes, sir.

Mr. Carter: Would you call that increased production efficiency?

Mr. Livesay: How was that question?

Mr. Carter: I ask you if you would call that increased production efficiency?

Mr. Livesay: I don't understand, brother Carter. There is too much of that in there.

Mr. Carter: I will explain it and say that the firemen are producing more now than they formerly did?

Mr. Livesay: Yes, sir.

Mr. Carter: How many firemen are there now older than you there?

Mr. Livesay: Well, there are about—I don't know exactly what number I am on the seniority list, but there are only four; three have been discharged and one died since I went there. That is all the difference there is.

Mr. Carter: Do you know how many engineers were set back?

Mr. Livesay: They were all promoted about the time I went to the M. O. & G. three years ago, that have been promoted, and they have set back probably about ten or twelve every year.

Mr. Carter: Wasn't there some new track built there that took up these surplus men?

Mr. Livesay: Yes, sir, there is a 136 mile division built north there to Muskogee and opened January 1st, I believe, 1913.

Mr. Carter: That provided for sixteen or twenty engineers and firemen?

Mr. Livesay: Yes, sir.

Mr. Carter: How much coal do you burn, anyhow, with this big tonnage?

Mr. Livesay: About fourteen or fifteen tons with the Mallets.

Mr. Carter: About how much of that rolls forward?

Mr. Livesay: About four tons, I would say, something like that.

Mr. Carter: Anything in addition to that would have to be shoveled down?

Mr. Livesay: Yes, sir, would have to be dug down or shoveled down.

Mr. Carter: I suppose the engineer assists you?

Mr. Livesay: Yes, sir, he has to.

Mr. Carter: As long as the engineers are willing to do the work, there would be no occasion for the company hiring anybody else, would there?

Mr. Livesay: I should think there should be.

Mr. Carter: It is a common thing that the engineer will help you, is it not?

Mr. Livesay: Yes, sir.

Mr. Carter: Doesn't this prove that, while it is not the duty of the engineer to do anything else but to run the engine, when occasion demands, the employes always protect the interests of the company?

Mr. Livesay: Yes, sir.

Mr. Carter: Are you tied up much between terminals?

Mr. Livesay: A great deal.

Mr. Carter: Describe when and how?

Mr. Livesay: It is generally between fourteen and fifteen hours when we get over. In the winter time, especially, we are tied up before we get over.

Mr. Carter: If you had just a little bit less tonnage, don't you think you could get over without being tied up?

Mr. Livesay: I believe we could. When we did have less tonnage we made a little bit better time.

Mr. Carter: If, by adding tonnage until it is necessary to tie a train up, men are required to be tied up, is it your opinion that they should be paid continuous time?

Mr. Livesay: Yes, sir.

Mr. Carter: I will say, however, that is not in our request—yes, it is in our request. (Addressing the witness.) That is not the practice today, is it?

Mr. Livesay: No, sir.

Mr. Carter: You are asking that?

Mr. Livesay: Yes, sir.

Mr. Carter: Will you state why you think so?

Mr. Livesay: Why—

Mr. Carter: Why do you believe men should be paid continuous time when they are tied up?

Mr. Livesay: Well, I think if it is worth enough to the company to haul this extra tonnage and we cannot get over the road with this—I think they can afford to pay us, if we do take it as far as we can, and are burdened with that kind of work.

Mr. Carter: Then you think it is for the purpose of increasing the profits on the train that men are tied up on account of this increased tonnage?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you think that this increased tonnage would provide ample additional revenue with which to pay engineers and firemen for their continuous service while tied up?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you believe that two firemen should be employed on these engines where you are working now?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you find that there has been any increase on the smaller engines that have been left there?

Mr. Livesay: Yes, sir.

Mr. Carter: Tell me how much more tonnage the smaller engines are pulling than when you went there?

Mr. Livesay: When I went there the 200 class small engines were pulling a thousand and a thousand and fifty tons, now they are pulling fifteen hundred and sixteen hundred tons.

Mr. Carter: Are they ever tied up on the smaller engines?

Mr. Livesay: Well, I cannot say. It is just about the same. One has got about as hard a job to get over with his tonnage as the other one has.

Mr. Carter: Is it a fact that any engine is liable to be tied up, whether big or small, if it is overloaded?

Mr. Livesay: Yes, sir.

Mr. Carter: When you make a trip on a Mallet and you reach your terminal, are you automatically released, or are you required to take another engine and do some more work?

Mr. Livesay: Well, when we get into Denison, we are not automatically released. If we have a Red Ball train we cut the Mallet off and run it on the pit and get a small engine out and get it ready, look it over as though we were going to make another hundred mile division on it, and take it and switch out that train and deliver your stuff to the T. P., and what you have got to go to the other road there in Denison.

Mr. Carter: Why do you do that; is it your work to do switching work in addition to road work?

Mr. Livesay: Well, when we get in there after 5 o'clock the switch engine is probably tied up, and they want to get this stuff to the T. P. by 12 o'clock, and we have to do it. The reason we have to get the other engine ready is because the T. P. won't let the heavy engine on their small steel.

Mr. Carter: The engine is too big to run over on the T. P. track?

Mr. Livesay: Yes, sir.

Mr. Carter: If you had been automatically released, however, when you got through with your road trip, they would be required to have a switch engine or someone else do that, would they not?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you believe you should have automatic release there?

Mr. Livesay: It looks like, if a man has worked to get in home, he ought to be released.

Mr. Carter: Particularly when he burns as much coal as you have?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you know anything about work trains?

Mr. Livesay: Yes, sir, a little bit.

Mr. Carter: What do you know about them?

Mr. Livesay: I know it is a very disagreeable job, from my way of looking at it, and very poor pay. A man away from home, for $2.65, and spending about $1.50, I don't consider that much of a job.

Mr. Carter: Do you think it should be the same rate in work train service as in freight train service?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you know anything about local or way freight service?

Mr. Livesay: Yes, sir, I had quite a little bit of experience with locals since I have been there.

Mr. Carter: Do you like them?

Mr. Livesay: Not a bit.

Mr. Carter: Explain why.

Mr. Livesay: Well, because whenever you drive by a station there is one man there who cuts you off to do all the station switching, and you are looking for signals and working water, and by the time you get that done they are ready to go again, and you are down trying to build up your fire until you get to another station, and it is that way all over the road. Switching, with a fire, is harder to keep it up than to go ahead with it.

Mr. Carter: Do you often see through freight crews run by you?

Mr. Livesay: Yes, sir. It does not affect us, brother Carter, on the south end. Our local works first in first out, but in the middle division it is in a pool, and they run around us on the middle division.

Mr. Carter: When a local train is out on the road is it a fact that it is not an uncommon occurrence for through freight trains to pass them and go in ahead of them?

Mr. Livesay: Yes, sir.

Mr. Carter: While they are doing this work, the through freight is going on?

Mr. Livesay: Yes, sir.

Mr. Carter: Getting their pay for the same trip?

Mr. Livesay: Yes, sir.

Mr. Carter: Do you ever work miles, do you ever get paid miles down there?

Mr. Livesay: No, sir; it is practically all hours.

Mr. Carter: You have not been there long enough to have had experience with miles, have you?

Mr. Livesay: No, sir; I have not.

Mr. Carter: Do you know anything about being held away from home terminal?

Mr. Livesay: Yes, sir.

Mr. Carter: Explain it.

Mr. Livesay: We are held away from home terminal, but we are paid for it. After we are away 24 hours we receive a day's pay in whatever class of service we are engaged in out of there.

Mr. Carter: If you were on this Mallet and were held away from home terminal 24 hours, they would give you the Mallet pay, would they not?

Mr. Livesay: Yes, sir; if I worked out on the Mallet, and if I worked out on the small engine I would receive small engine pay.

Mr. Carter: The pay for being held away from home on that road is not for the last engine worked on, but the next one?

Mr. Livesay: Yes, sir; it is the one you get out on, that is the one you have to ordinarily turn in.

Mr. Carter: That would not make much difference ordinarily, would it?

Mr. Livesay: No, sir, about the same.

Mr. Carter: You catch them in and out?

Mr. Livesay: Yes, sir.

Mr. Carter: Why do you believe you should have pay for this held away from home business?

Mr. Livesay: A man held away from home 24 hours has lost the time, and ordinarily, I think if I am not badly mistaken, the railroad pays machinists and boiler makers or anybody else's

expenses they send out to do road work away from home; and in fact I almost know a farmer would pay a man if he sent him to town with a load of live stock, his expenses, if he keeps him away an extra day. And I do not see why, if the business is so that they want to hold us 24 hours for another train, why they should not pay us.

Mr. Carter: It is not all railroads that pay their blacksmiths' and boiler makers' expenses away from home?

Mr. Livesay: I don't know.

Mr. Carter: Your railroad does?

Mr. Livesay: They pay their expenses when they send them out on the road. That is my understanding. I have not read their contracts.

Mr. Carter: I think you will find some do and some do not. What about your wages?

Mr. Livesay: Well, my wages vary up and down. Do you want an average of them?

Mr. Carter: Just anything, to hurry up matters; just tell me about what it is?

Mr. Livesay: From about $70 to $75.

Mr. Carter: Are you in the pool now?

Mr. Livesay: No, I am on the extra board right now.

Mr. Carter: Do you mean to say you make that much on the extra board?

Mr. Livesay: No, sir. The biggest part of this money and the biggest money was made on turn, last spring. I am averaging the year I was on regular turn.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: That is, running it back to last year?

Mr. Livesay: To the first of this year.

Mr. Sheean: That is, 1914?

Mr. Livesay: Yes, sir.

Mr. Sheean: And the average is between $70 and $75?

Mr. Livesay: Yes, sir, about that.

Mr. Sheean: Some months higher and some months lower?

Mr. Livesay: Yes, sir.

Mr. Sheean: In that year, how many times, do you happen to know, you have laid off?

Mr. Livesay: About three or four times.

Mr. Sheean: And about how many days all told?

Mr. Livesay: I think I lost about four days once, in February, and I do not think I have averaged, all told, twelve days.

Mr. Sheean: In this work at Denison, that you speak of, coming in on the Mallet and then assembling cars with a lighter engine for a return trip, was it, or going over to some other road? I did not quite understand you.

Mr. Livesay: Well, I will tell you, when you get in with a Mallet, just to make you understand it, the T. & P. won't let you go over their track with this big engine; the rails are too small. Therefore, you must cut your big engine off and put it on the dump and be relieved by a hostler from it and take a 200 class engine and lug it around and get it ready, just as if you were to make another trip. Of course, you may not work it over thirty minutes, and I have worked them two hours, switching this train, breaking it up and switching out what goes to the T. & P., the Katy and the Frisco, and making our deliveries. That is after five o'clock, understand.

Mr. Sheean: And how are you paid there under their schedule, for that work in addition to the road work?

Mr. Livesay: Just hours, that is all.

Mr. Sheean: That is, the schedule carries a provision for doing that work in addition to the work you do on the road, does it?

Mr. Livesay: No, sir, I don't think so.

Mr. Sheean: No special provision as to this particular point?

Mr. Livesay: Not yet, none has been made.

Mr. Sheean: But what you are paid there, is for the actual time on an hourly basis, that you put in in this work with a lighter engine?

Mr. Livesay: Yes, sir, hourly basis.

Mr. Sheean: So, in turning in your time, you have the road trip with the Mallet engine, then, plus whatever time you put in at the end of the trip in doing this other work?

Mr. Livesay: No, sir, we get Mallet pay, the highest class service, for the whole hours, the whole trip.

Mr. Sheean: So that while in fact you are using a 200

engine in doing this work at the end of the trip, they pay you the full Mallet rates?

Mr. Livesay: Yes, sir.

Mr. Sheean: What are those rates?

Mr. Livesay: Forty cents an hour.

Mr. Sheean: Forty cents an hour to the fireman?

Mr. Livesay: Yes, sir.

Mr. Sheehan: How many Mallet engines on this division you speak of?

Mr. Livesay: We have five altogether.

Mr. Sheean: When were they put in there?

Mr. Livesay: We received them for a Christmas present last Christmas, a year ago.

Mr. Sheean: 1913?

Mr. Livesay: Yes, sir, or 1912—no, 1913, December 25th.

Mr. Sheean: I was just wondering whether it was a year from now or two years back. One year ago from now?

Mr. Livesay: Two years ago.

Mr. Sheean: Two years ago?

Mr. Livesay: Yes, sir, we received them two years ago; that is right.

Mr. Sheean: December, 1912?

Mr. Livesay: Yes, sir.

Mr. Sheean: You had been at work there only a short time before that?

Mr. Livesay: Let's see, 1912; 1913 I guess it was when they came there; 1913 when we got them.

Mr. Sheean: You went to work for them when, in November, 1912, did you say it was?

Mr. Livesay: No, February, 1912.

Mr. Sheean: February, 1912?

Mr. Livesay: Yes, sir.

Mr. Sheean: Was it the first Christmas after you went to work there?

Mr. Livesay: Yes, sir.

Mr. Sheean: So that it is almost two years since the Mallet was installed?

Mr. Livesay: Yes, sir.

Mr. Sheean: And the five were put in at the one time?

Mr. Livesay: Well, they were brought there at the same

time; as fast as they could break them in and get them in working order, they put them out.

Mr. Sheean: How many other engines are there there now of this other type, that are being used?

Mr. Livesay: Well, I can read them off and see. I can tell you that they run in odds from 201 up to 239. Now, the odd numbers; leave the even ones out, and you have got it.

Mr. Sheean: Those are in use on that same division there?

Mr. Livesay: No, sir, they are all over the system.

Mr. Sheean: All over the system?

Mr. Livesay: Yes, sir.

Mr. Sheean: You have seniority rights over what territory?

Mr. Livesay: The system, from Denison to Joplin, Missouri.

Mr. Sheean: The seniority rights run for the entire system, do they?

Mr. Livesay: Yes, sir, the entire system.

Mr. Sheean: This run you are on is about how long? Where are you running from, Denison to what point?

Mr. Livesay: To Allen, Oklahoma.

Mr. Sheean: What is the distance there?

Mr. Livesay: 95.6 miles.

Mr. Sheean: Have you been running on that all the time since you went to work there?

Mr. Livesay: Yes, sir.

Mr. Sheean: Has there been any change at all in any of the grades or curves of the road at the time that they made the change in the rating of these 200 class engines?

Mr. Livesay: No, sir.

Mr. Sheean: The tonnage rating of a thousand to ten hundred and fifty tons was in what direction?

Mr. Livesay: Both directions.

Mr. Sheean: In both directions?

Mr. Livesay: Yes, sir.

Mr. Sheean: When was the change in tonnage rating increased to fifteen hundred?

Mr. Livesay: I went there in February, and along in April they raised it to twelve hundred and fifty; and then in 1913, they raised it in the early spring to fourteen hundred tons; and here

about three or four months ago they pulled them up to fifteen hundred or sixteen hundred tons. Some of the engines, you understand, are a little bit heavier than the others. The sixteen hundred tons is on the heaviest engines, of about 255,000 pounds on drivers.

Mr. Sheean: Are these new engines or the same engines that were there before?

Mr. Livesay: They are the same engines that were there when I went there, the same 200 class; and they have put from the 21 up to the 39 since I went there.

Mr. Sheean: And from the 21 up to the 39 they are a little heavier on the drivers.

Mr. Livesay: No, sir, the first engine they got was the heaviest engine, the old engine.

Mr. Sheean: The work train service is always bulletined, isn't it, and the men permitted to select it?

Mr. Livesay: Yes, sir.

Mr. Sheean: And the men who do take worktrain service always make the selection in accordance with their seniority; if the older man don't want it, the younger men have to take it?

Mr. Livesay: Yes, sir, the younger men always take it. They cannot hold anything else.

Mr. Sheean: There has been considerable work train service on this road, has there, since you have been there?

Mr. Livesay: No, sir, not a great deal.

Mr. Sheean: On part of the system the locals are regularly assigned and don't run in the pool, as I understand you?

Mr. Livesay: That is on our division, the south end. In the middle division there is a pool.

Mr. Sheean: On what part of the division is it that they run in the pool with the other freight?

Mr. Livesay: From Muskogee to Allen, known as the Middle Division.

Mr. Sheean: What is the length of that division?

Mr. Livesay: 106 miles.

Mr. Sheean: How many local trains are there in the pool, or do they have a regular train?

Mr. Livesay: No, sir, they work first in first out.

Mr. Sheean: Well, is the traffic there such that they do have a local train run every day?

Mr. Livesay: Yes, sir; one each way every day.

Mr. Sheean: One each way every day?

Mr. Livesay: Yes, sir.

Mr. Sheean: It has always been run in the pool on that division, has it?

Mr. Livesay: No, sir, not always.

Mr. Sheean: When was it changed?

Mr. Livesay: Some time this summer, I think.

Mr. Sheean: Do you know whether or not, ever since it was changed, there has been a regular local train running every day there?

Mr. Livesay: Well, there is supposed to be. It is scheduled and I am pretty sure that it does.

Mr. Sheean: Are these small engines, any of them, equipped with the automatic coal pusher?

Mr. Livesay: No, sir.

Mr. Sheean: They have sloping tanks, have they?

Mr. Livesay: It slopes from the back. It does not assist you any. It is back so far it does not assist you any.

Mr. Sheean: Sloping how far down on the tank?

Mr. Livesay: Well, I think it is back from where your coal gates are—it is about six feet six inches, or probably seven feet, the tank gradually slopes up that way, not enough to shake down any coal (illustrating).

Mr. Sheean: You are not able to give any particular dates as to the length of time on the run, comparing the time when you had the smaller engine with the time when you have the larger engine, comparing one period with another period?

Mr. Livesay: When we had the small engine?

Mr. Sheean: Yes.

Mr. Livesay: You mean before the Mallets came?

Mr. Sheean: Yes.

Mr. Livesay: Well, the track condition then was so bad that we never could get over the road then at all, before the big engines came, therefore, you could hardly make a comparison.

Mr. Sheean: The fact is, then, that track conditions were changed materially about the time the Mallets were put on?

Mr. Livesay: Well, yes. The weather dried up—it is a new road, you understand, and it got to be a little bit better.

Mr. Sheean: When did they first build this road?

Mr. Livesay: I don't know what year they started to build it.

Mr. Sheean: But it had not got settled down to an old established roadbed until after you went to work there?

Mr. Livesay: It is not an old roadbed yet.

Mr. Sheean: Up to the time the Mallets were put on, the time in going over the road was even worse than since that time?

Mr. Livesay: Well, I don't know that it was any worse.

Mr. Sheean: I understood you to say you could not make any comparison, before the time the Mallets came on, because the track conditions were such that you never got over the road, or something to that effect.

Mr. Livesay: Well, the track was worse then than it is now.

Mr. Sheean: There has been a gradual improvement and settling down but this is still, as you say, a new road?

Mr. Livesay: Yes, sir.

Mr. Sheean: And the operation of the Mallets is not an exclusive operation on your division, they have some light engines as well as some Mallets in service there?

Mr. Livesay: Practically all we have on the south end are Mallet engines.

Mr. Sheean: All the work there is done by these five Mallets?

Mr. Livesay: Except the local, yes, sir.

Mr. Sheean: How are traffic conditions there, do you succeed in getting full tonnage all the time there?

Mr. Livesay: You get it south, going south.

Mr. Sheean: Well, not all the time, I take it, on that road or any other road, do you?

Mr. Livesay: Just about it. It is very seldom that you ever go south without your tonnage.

Mr. Sheean: How is it coming back?

Mr. Livesay: Well, it is not so bad coming back north.

Mr. Sheean: What do they haul north, going north on your line?

Mr. Livesay: Well, it is empties. Coal is our biggest traffic there—empty cars coming back to the mine. We handle some lumber.

Mr. Sheean: The great bulk of the traffic on this line is coal?

Mr. Livesay: The majority of it. We handle a good deal of Red Ball, as they call it.

Mr. Sheean: The coal moves south, too, does it?

Mr. Livesay: Yes, sir.

Mr. Sheean: And the Red Ball stuff is what, largely?

Mr. Livesay: Well, it is stuff that we get from the Iron Mountain at Muskogee and from the Missouri Pacific at Joplin. I don't know what it is. Probably wheat—I couldn't say.

Mr. Sheean: The traffic originating on your own line is almost wholly coal?

Mr. Livesay: Yes, sir.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Carter: From your observation do you believe that a bad traffic affects the tonnage as much as it does the train speed—I mean by that question, is it a fact that you can pull as heavy tonnage over a bad track, if you go slow?

Mr. Livesay: Yes, sir.

Mr. Carter: You could not run a light engine over a bad track at a very high rate of speed, safely, could you?

Mr. Livesay: No, sir, not the track we had.

Mr. Carter: If the track is good enough for a Mallet engine to go over by itself, it might be safe enough for all the tonnage the engine would haul.

Mr. Livesay: Yes, sir, if you take it slow.

Mr. Carter: Therefore, on tracks where Mallets are used, it would be the Mallet rather than the tonnage that would affect the conditions, is that so?

Mr. Livesay: Yes, sir.

Mr. Carter: That is all.

The Chairman: Call your next witness.

Mr. Carter: Mr. Jacoby. Mr. Chairman, if I am rushing things—and I have told our witnesses to answer promptly, and I am trying to ask questions more than promptly—I understand we are going to adjourn tomorrow afternoon, and we have got a good many witnesses, and I am trying to get through, if I can.

The Chairman: Yes, we understand.

A. P. JACOBY was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: Will you please state your name?

Mr. Jacoby: A. P. Jacoby.

Mr. Carter: By what road are you employed?

Mr. Jacoby: Wabash Railroad.

Mr. Carter: In what capacity?

Mr. Jacoby: In freight service.

Mr. Carter: When were you employed there?

Mr. Jacoby: October 8th, 1910.

Mr. Carter: How many years of seniority as a fireman will that give you?

Mr. Jacoby: Four years and two months and a few days.

Mr. Carter: On what division are you employed?

Mr. Jacoby: On the Moberly division.

Mr. Carter: That consists of a number of branches and several pieces of main line?

Mr. Jacoby: Yes, sir, 859 mile division.

Mr. Carter: On what part are you?

Mr. Jacoby: Moberly to Kansas City, Moberly to Luther, Moberly to Stanbury, Moberly to Moulton, and Moberly to Hannibal.

Mr. Carter: Now, pick out any division you like. Do you know of any larger engines being introduced in service since you have been there?

Mr. Jacoby: On different districts, yes, sir.

Mr. Carter: Will you explain—describe it.

Mr. Jacoby: When I first went to firing there I had a Consolidation engine weighing 198,600 pounds on drivers. That was only worked on the Hannibal division turn-around, and from Moberly to Brunswick as a turn-around.

Mr. Carter: What engines are in their places now?

Mr. Jacoby: Other engines. Smaller engines from Moberly to Kansas City. This larger engine practically works on the division from Moberly to Hannibal and return.

Mr. Carter: Was that engine, when you went there, larger than they are using there now?

Mr. Jacoby: The same engine as when I went there.

Mr. Carter: Has there been any increase on that engine?

Mr. Jacoby: Yes, sir.

Mr. Carter: About how much?

Mr. Jacoby: From 1,050 tons, from Moberly to Hannibal, to 1,150 tons now.

Mr. Carter: Name another division.

Mr. Jacoby: From Moberly to Kansas City the tonnage has increased on part of this track from 1,850 to 3,330.

Mr. Carter: How did they get that much of an increase?

Mr. Jacoby: By putting larger engines on than they used to put on.

Mr. Carter: Now, explain another division.

Mr. Jacoby: From Moberly to Moulton, when I first went to firing there, they had small engines up there. Now they have Consolidation engines which weigh 154,500 pounds on drivers. The small engine handled something over 1,000 tons. The present engines on this district handle 1,750 tons.

Mr. Carter: What has been the effect of this increased tonnage on the seniority and promotion and employment of firemen?

Mr. Jacoby: Well, it has caused several engineers to be put back to firing, and it has caused us to lose 47 men off the list, altogether, the firemen's list.

Mr. Carter: How many firemen are there on the list now older than you are?

Mr. Jacoby: 137 I believe it is.

Mr. Carter: At this rate—

Mr. Jacoby: Wait a minute. I would like to explain that.

Mr. Carter: Explain it.

Mr. Jacoby: There are 28 demoted engineers that are on the engineers' seniority list, and they are back, firing.

Mr. Carter: They are included in this number?

Mr. Jacoby: 137 men.

Mr. Carter: Now, judging from your past experience and your observation, when do you think you will get to running an engine on the Moberly division?

Mr. Jacoby: Well, it would be pretty hard to say—something probably about fifteen or twenty years.

Mr. Carter: If you got within 130 of promotion in four years, I suppose it would be a mathematical calculation. Let

me ask you, suppose they bring in the Mallets, where would you go?

Mr. Jacoby: I would go off the board.

Mr. Carter: If, by the increase in tonnage of trains, firemen have been set back in their employment, have had their promotion generally lessened, do you believe generally that they should be compensated by higher rates of pay?

Mr. Jacoby: That is the way I look at it.

Mr. Carter: Where the increased tonnage has reduced the speed of trains to less than ten miles per hour, so that firemen are paid on an hourly basis instead of a mileage basis, is the effect not an actual decrease in wages?

Mr. Jacoby: Yes, sir.

Mr. Carter: Is it a fact you are slower now in getting over the road than you used to be?

Mr. Jacoby: Yes, sir.

Mr. Carter: When you are working on an hourly basis, you have no opportunity to earn higher wages?

Mr. Jacoby: No, sir?

Mr. Carter: For instance, if your rate is 35 cents an hour for ten hours or less and you formerly got over the road in less than ten hours, your rate was really higher than 35 cents an hour, was it not?

Mr. Jacoby: Yes, sir.

Mr. Carter: But now that you always work on hours, it cannot be higher, can it?

Mr. Jacoby: No, sir?

Mr. Carter: Therefore, as I understand it, the change from the mileage basis to the hourly basis is an actual reduction in wages of firemen, is that not true?

Mr. Jacoby: Yes, sir.

Mr. Carter: Is there any way to compensate for that except by making a much higher rate for the hourly rate?

Mr. Jacoby: I don't quite understand you.

Mr. Carter: Is there any way to compensate the firemen for this loss caused by decrease in the speed of the trains other than an increased rate per hour?

Mr. Jacoby: No, sir?

Mr. Carter: Now, tell me about the drag freight between Kansas City and Brunswick. How far did you say that is?

Mr. Jacoby: 90 miles.

Mr. Carter: About how long are you going that 90 miles?

Mr. Jacoby: Quite often we tie up in the 90 miles. That would be 15 hours and 30 minutes.

Mr. Carter: You tie up quite often?

Mr. Jacoby: Yes, sir.

Mr. Carter: Why do you tie up?

Mr. Jacoby: Because we have got such a heavy train we have to run for water and it takes quite a time to do this doubling over the road.

Mr. Carter: You do not get pay for the time you are tied up, do you?

Mr. Jacoby: No, sir?

Mr. Carter: Under our present arrangement with the railroad companies, we have not requested or have not succeeded in securing pay for continuous time?

Mr. Jacoby: No, sir?

Mr. Carter: While tied up?

Mr. Jacoby: No, sir?

Mr. Carter: About how much coal do you shovel going these 90 miles between Kansas City and Brunswick?

Mr. Jacoby: Something over 20 tons of coal.

Mr. Carter: I guess it sometimes falls a good deal less than that.

Mr. Jacoby: Sometimes it will probably fall below, if you have got a good steaming engine.

Mr. Carter: And lighter train?

Mr. Jacoby: Yes, sir.

Mr. Carter: What would be the average, would you say?

Mr. Jacoby: Well, it would be pretty hard to tell what the average would be.

Mr. Carter: You have burned as high as 20 tons, you say?

Mr. Jacoby: Yes, sir.

Mr. Carter: Do you generally burn less than 15?

Mr. Jacoby: Well, we might, with a Red Ball run or a stock train or something.

Mr. Carter: I didn't say that. Do you generally burn less than 15 tons, taking all trains together?

Mr. Jacoby: No, sir.

Mr. Carter: Is the heat of the firebox very intense?

Mr. Jacoby: Yes, sir.

Mr. Carter: Well, now, how intense is it?

Mr. Jacoby: Just enough so it will burn your overalls and pads you have over your overalls, it will burn them up and burn blisters on your hands.

Mr. Carter: What do you mean by pads on your overalls?

Mr. Jacoby: These are double pads of canvas which the men use to keep the heat from their limbs.

Mr. Carter: Does not this burn your hands?

Mr. Jacoby: Yes, sir.

Mr. Carter: What do you use to protect your hands?

Mr. Jacoby: I use leather gloves and burn out a pair about every month.

Mr. Carter: The gloves burn up?

Mr. Jacoby: Yes, sir.

Mr. Carter: Get stiff and break?

Mr. Jacoby: Get stiff and break up.

Mr. Carter: These engines that are burning so much coal, have you noticed the fact that as the engine gets older it burns more coal?

Mr. Jacoby: It always does.

Mr. Carter: About how much wages are you earning on this ninety miles? It only being ninety miles, you ought to earn lots of money, if you get one hundred miles pay for it?

Mr. Jacoby: That is only part of the run. You said between Brunswick and Kansas City. We run between Moberly and Kansas City.

Mr. Carter: Well, tell us how much you make on all these divisions?

Mr. Jacoby: The trip from Kansas City to Moberly would be $4.25 on the engines we have there at the present time.

Mr. Carter: How much would you make in a month on the average?

Mr. Jacoby: Well, I averaged this year something over $69 a month.

Mr. Carter: Are you one of these men who lay off for the fun of the thing?

Mr. Jacoby: No, I cannot, very well.

Mr. Carter: When you lay off is it because you have to lay off for rest?

Mr. Jacoby: Yes, and I laid off twice this year for reasons of my own; I just laid off because I had to.

Mr. Carter: But is it a fact that you or any fireman often has to lay off for rest?

Mr. Jacoby: Yes, sir, I have to.

Mr. Carter: Do you burn as much coal on other divisions as you do between Brunswick and Kansas City?

Mr. Jacoby: Well, we burn more coal between Moberly and Hannibal.

Mr. Carter: Does the engineer help you?

Mr. Jacoby: Yes, sir.

Mr. Carter: He helps you shovel down the coal?

Mr. Jacoby: Yes, sir, and has helped me fire the engine.

Mr. Carter: Helped you fire the engine?

Mr. Jacoby: Yes, sir.

Mr. Carter: You think it is beyond your capacity to fire this locomotive, do you?

Mr. Jacoby: It is on this Hannibal job, in the hot weather, and climbing those hills. My engineers, last summer, helped me put in every other fire, at times, over there, when it was real hot.

Mr. Carter: Is there any use of the company hiring another fireman to do this work, if they can make the engineer look out for the safety of the train and help you do the firing?

Mr. Jacoby: No, they would not; I suppose not.

Mr. Carter: Is it not a fact that it is through the kindness and friendship of the engineer that you are able to get the engine over the road?

Mr. Jacoby: Yes, sir, we usually do.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Jacoby, one of the questions asked by Mr. Carter had, as a part of the question, "Now, did you always work on hours?" Do you wish to be understood as saying that your pay is always on hours on the runs that you have down there?

Mr. Jacoby: Not on all the runs, no, sir.

Mr. Sheean: Well, through any month that you have worked there, that the hours on duty exceed the miles run through the month?

Mr. Jacoby: I never figured that up to see whether they would run that way all through the month or not.

Mr. Sheean: Have you kept any tabulation at all as to the hours on duty and the miles run, before these large engines were installed?

Mr. Jacoby: No, sir, I did not.

Mr. Sheean: To compare with the hours and miles since you had the larger engines?

Mr. Jacoby: No, sir, I did not.

Mr. Sheean: And can you state about what proportion of the time on the runs on the Wabash you are paid on a mileage basis and what proportion on an hourly basis?

Mr. Jacoby: Well, I could not tell you exactly what portion it would be.

Mr. Sheean: Well, have you given any thought at all to a separation from the time that you are paid on an hourly basis and the time that you are paid on a mileage basis, as you have worked there from month to month?

Mr. Jacoby: Well, I might say that when I first went to working there, and was working on these Mogul engines weighing 128,000 pounds upon drivers, we made our time in miles; but these other engines, when they got them loaded so heavy, it is very seldom you could get over the road on a drag freight under hours; you would be hours on the road. Of course, on a meat train or stock train you would probably get over the road, over the 129 miles, in six or seven hours.

Mr. Sheean: Can you name any month in which the miles that you were paid for, did not exceed the hours?

Mr. Jacoby: I could not tell you.

Mr. Sheean: And you have never kept any tabulation or record for any particular period as to the speed at which your operations through a month or a week was made?

Mr. Jacoby: No, I never had time to figure it up that way.

Mr. Sheean: Mr. Carter asked you about your laying off during part of the time, and you said you laid off two or three times on your own accord, but did not state about how much time you laid off.

Mr. Jacoby: In June, I think, I laid off about ten or eleven, and maybe it might have been twelve days, to attend a Fire-

men's convention; and in November I was off, this November, about eight or ten days.

Mr. Sheean: Did you speak of there being three of them?

Mr. Jacoby: No, sir.

Mr. Sheean: Two?

Mr. Jacoby: Yes, sir.

Mr. Sheean: Outside of that there were occasional layoffs of a day or two, were there?

Mr. Jacoby: Might have been, yes, sir.

Mr. Sheean: Of those you have kept no record at all, Mr. Jacoby?

Mr. Jacoby: No, sir, I don't keep track of the time I lay off, just the time I work.

Mr. Sheean: I suppose it is the practice down there, if you want to take a layoff, that upon notice of that, you do lay off, of your own accord, when and as you desire, practically except in cases of rush business?

Mr. Jacoby: Yes, sir.

Mr. Sheean: There has not been any of that rush business in the last couple of years that prevented a person laying off whenever he wanted to?

Mr. Jacoby: Oh, yes, there have been times that it was impossible to get off, that is, during the winter.

Mr. Sheean: Within the last two years, do you think?

Mr. Jacoby: Yes, last Christmas, I think it was somewhere along there, around Christmas, I tried to get off and was unable to get off.

Mr. Sheean: A good many others laying off at the same time, was that the reason?

Mr. Jacoby: Well, I couldn't say about that.

Mr. Sheean: When were these heavier engines that you speak of installed on this division of the Wabash?

Mr. Jacoby: Along about the middle of May, 1914.

Mr. Sheean: New engines, were they, or did they come from some other division of the Wabash?

Mr. Jacoby: They came from the East Side. They were brought off of the Fourteenth District to the Seventeenth District, on the Moberly Division.

Mr. Sheean: Was there any change at all in the rails or

construction of the track there at the time the heavier engine was brought over?

Mr. Jacoby: Put in one new bridge.

Mr. Sheean: A heavier bridge?

Mr. Jacoby: Yes, sir.

Mr. Sheean: How long had these engines been in use on other parts of the Wabash System?

Mr. Jacoby: They had been on since some time in 1912, on the Fourteenth District only.

Mr. Sheean: That is a part of the same territory where these seniority rights extend?

Mr. Jacoby: Yes, sir.

Mr. Sheean: What new power, or heavier power has there been put on this division or district of the Wabash, since 1910, that was not on that division before?

Mr. Jacoby: The ones I was speaking of, that went on this Seventeenth District, they have come there since 1910. Came to the Moberly Division some time in 1912, from the east side.

Mr. Sheean: Isn't that a part of the same seniority district there?

Mr. Jacoby: Not the east side of the river, no.

Mr. Sheean: Oh, I did not know what you meant by the East Side. Well, the Wabash Railroad had this same type or style of power in use on some other part of its system?

Mr. Jacoby: Yes, sir.

Mr. Sheean: As far or farther back than 1910?

Mr. Jacoby: Yes, sir.

Mr. Sheean: And a schedule provision was made for the different rates of pay in accordance with the different classifications of the engines?

Mr. Jacoby: I suppose there was, yes, sir.

Mr. Sheean: And they moved to this Moberly division some of the power that had been in use on other parts of the system, before that time?

Mr. Jacoby: Yes, sir.

Mr. Sheean: There have been quite a number of engineers hired on that division of the Wabash since 1910, have there not?

Mr. Jacoby: There have been a few, not very many.

Mr. Sheean: And the firemen who were available for

examination, were examined at the time that these outside engineers were hired?

Mr. Jacoby: Yes, they were. There might have been maybe three or four hired since I have been there. I don't believe there have been over that.

Mr. Sheean: What is the weight of these larger engines that are there now?

Mr. Jacoby: 198,600 pounds on drivers.

Mr. Sheean: And how many of those are there?

Mr. Jacoby: There are probably between ten and fifteen of them, but I don't think there are that many of them there at the present time, because they have sent them east for overhauling, part of them.

Mr. Sheean: What is taking the place of them there?

Mr. Jacoby: There is nothing taking their place. They are running them in and turning them now. As soon as they get in now, they turn them, clean the fire and turn them right back.

Mr. Sheean: I mean while they are away being repaired.

Mr. Jacoby: Nothing put in their place excepting, maybe, when they get them all at one end they will have to run in one of these C-1 engines on that territory.

Mr. Sheean: Are some of the small engines—

Mr. Jacoby: They are the small engines, yes, sir.

Mr. Sheean: No, were some of the small engines being operated there while these larger engines were being regularly operated on that division?

Mr. Jacoby: No, sir?

Mr. Sheean: The ten or twelve ordinarily do all of the work on that division then?

Mr. Jacoby: Yes, sir.

Mr. Sheean: I think that is all.

The Chairman: Anything further, Mr. Carter?

RE-DIRECT EXAMINATION.

Mr. Carter: With regard to this laying off, Mr. Jacoby, I rather think perhaps there is a misunderstanding about firemen laying off, and I want to bring out from you the facts in the case. Is it possible for a fireman to make as many miles as his engine does?

Mr. Jacoby: Well, he couldn't stand to do it on the Wabash.

Mr. Carter: Isn't it understood, and always has been understood, that firemen have to lay off in order to get their rest, between trips?

Mr. Jacoby: Yes, sir.

Mr. Carter: For instance, if you are in a pool where there are ten men, and you come in at 7 o'clock this morning, after a hard trip, you would not feel able, perhaps, to go out until twenty or thirty hours, and you would lay off, and they would call an extra man in your place, would they not, off the extra list?

Mr. Jacoby: Yes, sir.

Mr. Carter: Then, is it not a fact that this extra list is maintained specifically to make it possible for firemen to get their rest between trips.

Mr. Jacoby: Yes, sir.

Mr. Carter: If it were not a fact that firemen have to lay off in order to get rest, there would be no occasion for an extra list of much consequence, would there?

Mr. Jacoby: No, sir.

Mr. Carter: Do you lay off, even for rest, as many days in the year as there are Sundays, 52 days in the year?

Mr. Jacoby: Well, I don't believe that I would lay off that many.

Mr. Carter: You would probably not lay off any more, would you?

Mr. Jacoby: No, sir, I think not.

Mr. Carter: Do you know of employes in any other industry that are not privileged to lay off Sundays?

Mr. Jacoby: They all have Sundays off.

Mr. Carter: You don't lay off, however, Sundays, do you?

Mr. Jacoby: Oh, no.

Mr. Carter: You have to work on Sunday the same as any other day?

Mr. Jacoby: Yes, sir.

Mr. Carter: Do you have to work Christmas Day, when there is no one to take your place?

Mr. Jacoby: Yes, sir.

Mr. Carter: Do you know of any other class of employes

who have to do this, aside from railroad employes, and men in train service?

Mr. Jacoby: No, sir, I believe not.

Mr. Carter: And station service and other service where the train requirements are such that they shall be on duty Sundays?

Mr. Jacoby: Most of the operators are off on holidays and Sundays.

Mr. Carter: Who does their work while they are off?

Mr. Jacoby: They just make the stations that much further apart for telegraph offices.

Mr. Carter: That is one way to do it. You say you were tied up, you have been tied up?

Mr. Jacoby: Yes, sir.

Mr. Carter: And it is not an unusual thing for a fireman to be tied up?

Mr. Jacoby: Nothing unusual, no.

Mr. Carter: When they are tied up, are they always taken right in, does a crew take them right in?

Mr. Jacoby: No, sir.

Mr. Carter: When they start a train off, that they anticipate will have to be tied up, do they send a watchman along to watch the engine while the fireman sleeps?

Mr. Jacoby: No, sir.

Mr. Carter: Who watches the engine?

Mr. Jacoby: If you get a message you have got to watch it.

Mr. Carter: The fireman?

Mr. Jacoby: The fireman, yes, sir.

Mr. Carter: Isn't the fireman the man that needs rest as much or more than any other member of the train crew?

Mr. Jacoby: I would think so.

Mr. Carter: Why don't they call the engineer to watch the engine instead of the fireman?

Mr. Jacoby: They would have to pay him more money.

Mr. Carter: It is a case of saving money, is it?

Mr. Jacoby: Yes, sir.

Mr. Carter: Do you consider this tied up business very objectionable?

Mr. Jacoby: Yes, sir, it is to me.

Mr. Carter: It would be a great relief to go on into the terminal, would it not?

Mr. Jacoby: Yes, sir.

Mr. Carter: And get your proper rest in the proper place?

Mr. Jacoby: Yes, sir.

Mr. Carter: That is all.

RE-CROSS EXAMINATION.

Mr. Sheean: How often have you been tied up under the law in the last year?

Mr. Jacoby: Well, I could not tell you exactly. There are lots of times we should have been tied up when we were not. We have received messages to show a couple of hours release somewhere while we were meeting somebody, and we would work that many more hours.

Mr. Sheean: How many times in the last year have you been on the road more than sixteen hours, then?

Mr. Jacoby: Maybe I might be able to tell you. Here is a bunch of them, if you want to count them.

Mr. Carter: Count them for him.

Mr. Stone: Yes, just count them.

Mr. Sheean: Just give the record of it, give the record of each case where you were tied up and what caused you to be tied up, or what caused you to be on the road, if you have it.

Mr. Jacoby: Here is one trip, we doubled two hills, and made up our own train. We didn't tie up this trip, but we were sixteen hours and eight minutes on duty.

Mr. Sheean: Between what points was that, and what date was that, please?

Mr. Jacoby: July 1, 1914.

Mr. Sheean: Running from what point to what point?

Mr. Jacoby: Stanberry to Moberly.

Mr. Sheean: A distance of how much?

Mr. Jacoby: 147 miles.

Mr. Sheean: Where was the doubling?

Mr. Jacoby: Evona Hill, and Huntsville to Moberly, for water.

Mr. Sheean: What length of time?

Mr. Jacoby: Sixteen hours and eight minutes.

Mr. Sheean: No, but on the doubling?

Mr. Jacoby: I couldn't say how long we were doubling. Probably it was something over an hour doubling that Evona hill, and running from Huntsville to Moberly, which is seven miles, it probably took us maybe an hour or more, to do that. We were an hour making up the train.

Mr. Sheean: Before leaving?

Mr. Jacoby: Yes, sir.

Mr. Sheean: Have you a memorandum of what you were paid for that trip?

Mr. Jacoby: We were paid an hour for making up the train, yes, sir.

Mr. Sheean: No, but for your entire trip?

Mr. Jacoby: $5.84.

Mr. Sheean: To the fireman?

Mr. Jacoby: Yes, sir.

Mr. Sheean: What was the next trip that you had there?

Mr. Jacoby: Here is one of May 28, 1914.

Mr. Sheean: Between what points?

Mr. Jacoby: From Moberly to Stanberry.

Mr. Sheean: The same distance?

Mr. Jacoby: Yes, sir.

Mr. Sheean: What was the time of departure and time of arrival?

Mr. Jacoby: 4:30 P. M. to 8:12 A. M.

Mr. Sheean: Any memo of the detentions there?

Mr. Jacoby: We doubled the McFall hill.

Mr. Sheean: Any other detention anywhere?

Mr. Jacoby: Nothing else that I can think of.

Mr. Sheean: What was paid on that trip?

Mr. Jacoby: $5.18. Sixteen hours and twelve minutes on duty.

Mr. Sheean: What is the next one that you have?

Mr. Jacoby: 5/23/14, from Moberly to Stanberry.

Mr. Sheean: What is the record of that?

Mr. Jacoby: Doubled Clifton hill, and doubled McFall hill, sixteen hours and seven minutes.

Mr. Sheean: What were you paid on that trip?

Mr. Jacoby: $5.26.

Mr. Sheean: The next one please?

Mr. Jacoby: 2/6/14, Moberly to Kansas City.

Mr. Sheean: What is the distance there?

Mr. Jacoby: 129 miles.

Mr. Sheean: What was the time of leaving and the time of arrival?

Mr. Jacoby: 2:30 P. M.; 6:25 A. M.

Mr. Sheean: What were you paid on that trip?

Mr. Jacoby: $5.08; sixteen hours and twenty-five minutes on duty.

Mr. Sheean: Any record there of where the detention occurred?

Mr. Jacoby: There was three hours overtime.

Mr. Sheean: Is there any showing as to whether there was an engine failure or what happened at any place there?

Mr. Jacoby: It was an engine failure all the way over the road.

Mr. Sheean: Engine failure all the way?

Mr. Jacoby: Poor steam and engine, yes, sir.

Mr. Sheean: Did you make any report of that?

Mr. Jacoby: I suppose the engineer did. He should have, anyway.

Mr. Sheean: Were there engine failures on any of these other trips that you spoke of?

Mr. Jacoby: No breaking down or anything like that. Just heavy trains, and poor steam and engines.

Mr. Sheean: What is the next that you have a record of?

Mr. Jacoby: 1/24/14.

Mr. Sheean: By the way, these are all runs of your own, are they?

Mr. Jacoby: Yes, sir.

Mr. Sheean: 1/24/14?

Mr. Jacoby: Yes, sir.

Mr. Sheean: What was the trip there?

Mr. Jacoby: Kansas City to Brunsick and return to Kansas City.

Mr. Sheean: From Kansas City to Brunswick what was the time?

Mr. Jacoby: From 9 P. M. until 12:50 P. M. the next day, 16 hours and 20 minutes.

Mr. Sheean: What were you paid on that trip?

Mr. Jacoby: $5.67

Mr. Sheean: Any record or memorandum there about engine failure or what caused the delay?

Mr. Jacoby: No engine failure excepting a—

Mr. Sheean: That is a distance of 90 miles?

Mr. Jacoby: That would be 180 miles. I said from Kansas City to Brunswick and return would be 180 miles.

Mr. Sheean: Give me the record of the first 90 mile leg.

Mr. Jacoby: I cannot give it to you, I have not got it. This is the round trip.

Mr. Sheean: That is the time you were paid for. I wanted to get what length of time, if any, you were off duty before you started on the return leg of the trip.

Mr. Jacoby: We came in there and turned our engine and had our fire cleaned and a bite to eat, and another train pulled in, and we coupled onto it and left. There was not practically any time lost there, except what time we were turning the engine, attending to the fire, getting our coal and water and getting a bite to eat.

Mr. Sheean: But you have not any memo. of when you got in?

Mr. Jacoby: No.

Mr. Sheean: This is just a record of the round trip?

Mr. Jacoby: Yes, sir.

Mr. Sheean: With a record of these times on the road on these runs, have you any record—you apparently have examined your own record as to lengthy runs—can you tell us any time in the last year when you have been tied up?

Mr. Jacoby: Well, we should have been tied up on all these trips.

Mr. Sheean: No, when you were tied up.

Mr. Carter: Suppose you read them all. You will find one directly.

Mr. Jacoby: Well, it is the custom with us fellows, that they will always manage to have you show a couple of hours release, or something like that, to get you in and off the road so that they don't have to pay a man a hundred miles to come and get your train.

Mr. Sheean: Well, were you tied up anywhere during this time, during this year?

Mr. Jacoby: I don't know whether I have been tied up this

year or not. I have worked so many long hour trips I have not got the records here showing it. I am satisfied I was tied up, but I have no way of proving it here.

Mr. Sheean: Well, do you remember that you were tied up during the last year?

Mr. Jacoby: I can't just call them to my memory, no.

Mr. Sheean: Well, Mr. Jacoby, do you mean it is the custom or practice there that you make any false report as to the time you are released?

Mr. Jacoby: Make false reports?

Mr. Sheean: You spoke here of it being the custom or practice of having a showing of being released for two or three hours, in order to avoid paying some crew for coming out and bringing you in. Do you mean by that—

Mr. Jacoby: You see, if we show two hours released somewhere, where maybe they could not move us out of Brunswick, and they could not move us out of there, maybe we were waiting for some cars out of another train coming from the Kansas City division, going up to Highland or Stansberry, maybe they would hold us there two or three hours on duty until that train came in, that we would get orders off of probably—if they saw we were not going to get over the road, they would give us a message to show two hours release while waiting for cars or something.

Mr. Sheean: Well, were you not, in fact, released whenever you got a message to show release, did they not, in fact, release you?

Mr. Jacoby: How could they release us, when you were responsible for the engine, and were on the engine watching the engine?

Mr. Sheean: Have you copy of any telegram—

Mr. Jacoby: They don't give them to the fireman. The conductor receives them.

Mr. Sheean: What I wanted to get, Mr. Jacoby, was whether or not you desired to be understood or desired anyone to get the impression that you showed a release when, in fact, you were not released?

Mr. Jacoby: They give you that message, I don't know how they work it.

Mr. Sheean: Well, do you not, in fact, make a report upon

the Federal book as to the time that you go on duty and the time that you are released?

Mr. Jacoby: I always register in from the time I was called to the time I am relieved, and they can fight that out themselves.

Mr. Sheean: Well, the fact is that you show the time that you are called for duty, the time that you go on duty?

Mr. Jacoby: Yes, sir.

Mr. Sheean: And you show your time of final release?

Mr. Jacoby: Yes, sir.

Mr. Sheean: And if, in fact, you are released at any time between that period, that is for the company to show?

Mr. Jacoby: That is for them to look out for, yes, sir.

Mr. Sheean: Well, on these periods of a total spread here of a certain number of hours, of 16 hours and 15 minutes or 16 hours and 20 minutes, I suppose you were released while you were eating at this turn-around point, were you not.

Mr. Jacoby: Well, we included what time they allowed us, maybe fifteen or twenty minutes, long enough to get a bite to eat.

Mr. Sheean: What I mean, and all I mean, is that you were, in fact, released some time in the total spread?

Mr. Jacoby: Probably fifteen to twenty minutes, yes.

Mr. Sheean: You have no record or memorandum here showing what the release was at any of these points?

Mr. Jacoby: No, I have not the messages.

Mr. Sheean: No, I mean any memorandum as to what the actual release on any of these trips was?

Mr. Jacoby: No, I could not say exactly.

Mr. Sheean: You are giving the time from the time you reported for duty until finally released?

Mr. Jacoby: Yes, sir.

Mr. Sheean: Whether there were, in fact, releases intermediate between those points, you have no memorandum?

Mr. Jacoby: No, I have not.

Mr. Sheean: And could not tell us as to any of these trips, whether en route or at any turn-around point, you were in fact released for a part of that time?

Mr. Jacoby: Not on these trips I have given you here.

Mr. Sheean: Just to get it clear, what do you mean by the suggestion or statement that they show a release in order to avoid sending out a crew to bring us in?

Mr. Jacoby: Well, if they give you a message and the conductor will accept it, to go on and work a couple of hours longer than the Sixteen Hour Law, they can get you over the road and get you into the terminal, and at the same time they have some way or another that they can get by with this through the Interstate Commerce law, if they get the men to accept this and go on working that other two hours, and get in. I don't know how they ever get that fixed, but they fix it up some way or another.

Mr. Sheean: You do not want to create any impression that you men have reported at any time that you were released from duty when, in fact, you were not released from duty?

Mr. Jacoby: Well, I don't know how they fix it.

Mr. Sheean: I mean as to any reports made by you at these times?

Mr. Jacoby: The fireman does not make any reports.

Mr. Sheean: And your memorandum is simply from the time you first went on duty until you were finally released?

Mr. Jacoby: That is it.

Mr. Sheean: That is taken from your own time book?

Mr. Jacoby: Yes, sir.

Mr. Sheean: And no memorandum whatever as to what took place at any particular place on this run?

Mr. Jacoby: No, sir.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Carter: Mr. Jacoby, have you not got there a considerable number more?

Mr. Jacoby: Yes, sir.

Mr. Carter: Do not any of these show more hours than you have already read?

Mr. Jacoby: Yes, sir.

Mr. Carter: Have you had experience being out many hours?

Mr. Jacoby: Yes, sir.

Mr. Carter: About these releases; if you have a hot box, that is a reason, under the law, for release, is it not?

Mr. Jacoby: Well, I don't know how they work those things.

Mr. Carter: If you had an engine failure?

Mr. Jacoby: If there was a wreck, or something like that, where the main line would be blocked, you would be required to work as many hours as they wanted you to, anyway, according to the rules of the company.

Mr. Carter: You have not any examples, then, in your possession as to how the despatchers do this, have you?

Mr. Jacoby: No, sir.

Mr. Carter: Is it a fact that it is only after you find you are not going to get in within the sixteen hours, that these releases are reported?

Mr. Jacoby: After they find out you are not going to make it, then they give you the message.

Mr. Carter: That you are released so many hours?

Mr. Jacoby: Yes, sir. We had a message that we were released four hours at one place, and we were switching hard all the time, and I never even got a bite to eat.

Mr. Carter: Well, is it a fact that a train crew, if they are near their home, and perhaps seeing the smoke coming out of their own chimney, do not object to doing this extra work, in order to get home?

Mr. Jacoby: They do not object to doing it.

Mr. Carter: I mean to say, would you rather not work two hours more, if you are in sight of home, than to be tied up the required time out on the road?

Mr. Jacoby: Yes, sir, I would.

Mr. Carter: That is all.

RE-CROSS EXAMINATION.

Mr. Sheean: Can you give us any instance where you were, not merely in the last year, but at any time since you have been firing there, where you were tied up on the road within two hours from home?

Mr. Jacoby: Well, we have tied up many a time within twelve miles of home.

Mr. Sheean: Can you tell us just when that was?

Mr. Jacoby: I could not tell you what dates they were, no.

Mr. Sheean: Was it within the last year?

Mr. Jacoby: It was not in this year.

Mr. Sheean: Well, was it within the last two years?

Mr. Jacoby: Yes, it was in last year, the year of 1913, I think I tied up.

Mr. Sheean: At what point was that?

Mr. Jacoby: I think I was tied up at Clark, if I am not mistaken. I am pretty sure I was. Then I was tied up at—

Mr. Sheean: How long were you tied up there?

Mr. Jacoby: I think I watched the engine eight hours; I think it was that length of time there, that I had to watch the engine eight hours.

Mr. Sheean: Tied up at Clark?

Mr. Jacoby: I think that was the place, yes, sir.

Mr. Sheean: Some time during the year 1913?

Mr. Jacoby: Yes, sir.

Mr. Sheean: Now, where was it and when was it that you had a message releasing the crew, and during the time of release you worked four hours switching? What point was that?

Mr. Jacoby: High Hill, Missouri.

Mr. Sheean: High Hill?

Mr. Jacoby: Yes, sir.

Mr. Sheean: About when was that?

Mr. Jacoby: I could not say. If I was home and had my book I could tell something nearer what time it was, but I cannot remember now, but I know very well that it happened.

Mr. Sheean: Can you tell us about what time it was?

Mr. Jacoby: No, I could not. I don't believe I could tell anywheres near when it was.

Mr. Sheean: Can you give us the name of the trainmaster who sent the message that you were released?

Mr. Jacoby: I am not sure whether it was Trainmaster Cook or not.

Mr. Sheean: At what point or from what point did the message come?

Mr. Jacoby: Moberly, Missouri.

Mr. Sheean: Trainmaster Clark, did you say you thought it was?

Mr. Jacoby: Cook. Do you want the engineer's name?

Mr. Sheean: Yes, please.

Mr. Jacoby: E. L. Dubois and conductor Evans.

The Chairman: How many hours did you work that day?

Mr. Jacoby: I don't know. I think I ran something over 22 hours, if I am not mistaken.

Mr. Sheean: How did it happen, after getting a message from the trainmaster that you were released, that you went to switching cars?

Mr. Jacoby: We were switching the cars when we got this message, when we got ready to leave, with the orders.

Mr. Sheean: You had a message from the trainmaster that you were—

Mr. Jacoby: I suppose it was signed by the trainmaster. The conductor brought it out to the engine; he had the message himself, I suppose it was signed by the trainmaster. He usually signs them, they are usually given to you signed by the trainmaster.

Mr. Sheean: After getting this message, how does it happen that you did not release yourself for four hours at this point?

Mr. Jacoby: We had this work to do; we could not release ourselves.

Mr. Sheean: But you had an order from the trainmaster that you were released for four hours at this point?

Mr. Jacoby: That we would show a release, I believe was the way the message read, for four hours, while having the fire cleaned. That is the way they put it, so they don't say anything about your working.

Mr. Shea: Mr. Sheean, in order to straighten that out, may I ask a question there?

Mr. Sheean: Surely.

Mr. Shea: Mr. Jacoby, was it the purpose of this release to show that you were on duty less hours than you really worked?

Mr. Jacoby: Yes, sir, I think that is the purpose of it, and that they don't get in bad with the Interstate Commerce law, from the way I understand it.

Mr. Sheean: Well, Mr. Jacoby, the message, so far as you were concerned, is from the trainmaster, is it, the message that came to you was from the trainmaster?

Mr. Jacoby: All messages like that are signed by the trainmaster, yes, sir.

Mr. Sheean: And those authorize you to release, to go off duty the length of time that the message shows?

Mr. Jacoby: You did not understand me. We got this message when we got the orders to leave this town, after we had switched four hours, we got the message after we had done the work.

Mr. Sheean: Yes. Well, you got the message to leave the town?

Mr. Jacoby: No, we did not get the message to leave the town.

Mr. Sheean: Well, what message did you have with refer ence to leaving there? Did you get a message to leave?

Mr. Jacoby: When we got the switching done, after we had switched there four hours and got ready to leave, he brought us the orders out, and this message was with the orders, addressed, I think, to conductor Evans and engineer Dubois "You will show four hours release at High Hill while having the fire cleaned."

Mr. Sheean: How long were you at High Hill?

Mr. Jacoby: I said something about four hours.

Mr. Sheean: And was any report made by them or either of them showing a release at High Hill?

Mr. Jacoby: I could not say. I never handle it myself. I don't know whether they reported it or not.

Mr. Sheean: But you, upon the report made by you, showed your total time from the time you came on duty until final release?

Mr. Jacoby: Yes, sir, it would, if I had it here. I have not got it here.

Mr. Sheean: Now, on any of these trips that Mr. Carter asked you about, you said you had some more trips, have you any memorandum there showing whether or not there was a hot box on any car on any of the trips?

Mr. Jacoby: No, sir.

Mr. Sheean: Any memorandum as to whether or not you were on sidings at any particular time?

Mr. Jacoby: No, sir.

Mr. Sheean: Or how long, if at all, you were on sidings?

Mr. Jacoby: No, I have not got that time at all.

Mr. Sheean: As to any of the trips?

Mr. Jacoby: No, sir.

Mr. Sheean: Or whether on any of the trips on any of

these sidings, you were in receipt of any message from the trainmaster that you would be released during the time you were at these towns?

Mr. Jacoby: No, sir, the message is never given to the fireman.

Mr. Sheean: No, but whether you have in the slips—

Mr. Jacoby: I have not the messages, no.

Mr. Sheean: Anything that would give us any information on any of those questions?

Mr. Jacoby: No, sir. You fellows can look it up. I have given you the dates.

Mr. Sheean: But, as to the other dates that you speak of, none of your memos. would show any of those facts?

Mr. Jacoby: No, I have not got anything here but the time that I worked and what I did, and the amount of it. You see, all I care about is to keep track of my time so I will see whether I get what is coming to me to pay my bills with. I don't ever keep track of what I don't get, or those messages, or anything, because they don't buy me anything to eat, and I only keep track of the time that I work.

Mr. Sheean: And simply for the basis of making out your time slips, compensated time.

Mr. Jacoby: I keep track of my time so I will see whether I get what is coming to me.

Mr. Sheean: But, whether in fact you were on any of these trips released at any of the stations between these points, you have no record or memorandum?

Mr. Jacoby: No, sir.

Mr. Sheean: Because, if you were released for several hours at any of these points, your time is paid continuously.

Mr. Jacoby: Yes, sir, I would get paid for it.

Mr. Sheean: So that your only record is as to the time for which compensation was paid?

Mr. Jacoby: Yes, sir.

Mr. Sheean: That is all.

Mr. Carter: Mr. Jacoby, you don't know who signed this message received by the conductor at High Hill that day, do you?

Mr. Jacoby: Oh, it is delivered out by the train despatcher. I don't know whether he signs the message himself or whether

it is authorized through the trainmaster. I could not say about it.

Mr. Carter: You do not want to make it a matter of record that Mr. Cook actually did sign this, do you?

Mr. Jacoby: No, I did not mean that at all, but what I was trying to get at was either the trainmaster—generally all the messages are signed and his name is on the message; that is the way of it; whether he signs the message or not, we have no way of telling, of course.

Mr. Carter: You simply wanted to express the information that ordinarily such messages are signed by him?

Mr. Jacoby: They have the trainmaster's name on.

Mr. Carter: Is it possible that the superintendent might issue a certain message to give you a release of some kind when something happens, instead of the trainmaster?

Mr. Jacoby: Sometimes the fireman receives a message to watch the engine.

Mr. Carter: That is what I wanted to bring out. Is it a fact that you have messages from the superintendent directing you to watch engines after sixteen hours?

Mr. Jacoby: Not me, but other firemen. I have them over in my grip, where the superintendent's name is signed to them, requiring firemen to watch engines.

Mr. Carter: Where is your grip?

Mr. Jacoby: Over in the hotel.

Mr. Carter: That doesn't do us much good now, does it?

Mr. Jacoby: Not at the present time.

Mr. Carter: The next time you get on the stand bring your grip with you. In regard to this release on account of watching, is it a fact that the Interstate Commerce Commission's rulings are that, in certain eventualities or emergencies, you are permitted to be on duty more than sixteen hours?

Mr. Jacoby: Yes, sir.

Mr. Carter: For instance, we might take an aggravated case, say of a train wreck.

Mr. Jacoby: Yes, sir.

Mr. Carter: Or we might take not a very aggravated case of say a hot box that required five minutes to set out, is that true?

Mr. Jacoby: I don't think they would count anything like that.

Mr. Carter: Well, do you know that the Interstate Commerce Commission has given a ruling that when you are on side tracks it is to be deducted from your time when you go on duty?

Mr. Jacoby: No, sir.

Mr. Carter: The question asked you just now indicated that if you were on a sidetrack you would be off duty, and, therefore, under the Interstate Commerce Commission's rulings, you could be released from that time.

Mr. Jacoby: I would like to say a word right there, when a man is on a sidetrack with a freight train, he has usually got to clean his pans, dump cinders out and probably work on the fire, maybe jerk a clinker or two out, so the engine will stay hot from there on. The fireman and engineer are always working while they are in a side track. It is very seldom a man ever sits down on the seat box while he is in a side track, because there is plenty of work to be done. If a man tries to get over the road, he will always find work to do.

Mr. Carter: Can you remember any time you were tied up —as you haven't got over your grip here, I will ask you if you can remember any time you were tied up when the superintendent sent a message requesting you or requiring you to watch your engine?

Mr. Jacoby: Not myself.

Mr. Carter: Have you or other firemen?

Mr. Jacoby: Yes, sir.

Mr. Carter: About how many other firemen?

Mr. Jacoby: I have got, I think—only one, I think, signed by the superintendent; but above five, I think it was, signed with the trainmaster's name on it.

Mr. Carter: You know it to be a fact that trains are tied up on your road, don't you?

Mr. Jacoby: Yes, sir.

Mr. Carter: The reason I ask that question now, is that after having told me that trains were tied up, it began to appear that you were mistaken?

Mr. Jacoby: I didn't aim to be. I am sworn and I am in here to tell the truth.

Mr. Carter: You do know that you have been tied up?

Mr. Jacoby: Yes, sir.

Mr. Carter: Now, in regard to those slips, just begin where you left off, and tell us what you have here.

Mr. Jacoby: Here is one trip where I worked eighteen hours and thirty minutes on the 10/28/13, Stanberry to Moberly.

Mr. Carter: Did you have a release of some two hours and thirty minutes or three hours?

Mr. Jacoby: I haven't got any record of it. I never put down here where I was released any time that way.

Mr. Carter: Isn't it probable that something happened that caused a release to be given to you, a hot box or something of that kind?

Mr. Jacoby: Not there, no hot box.

Mr. Carter: Did you have a wreck that day?

Mr. Jacoby: No, sir, no wreck on this date.

Mr. Carter: Do you remember of anything that would be considered an act of God,—I believe that is the description given by the Interstate Commerce Commission, or it was the Court, I believe—an act of God that made you work eighteen hours and thirty minutes?

Mr. Jacoby: I didn't understand the first part of your question.

Mr. Carter: I think the interpretation of the courts of the decision of the Interstate Commerce Commission, that only in case of accidents, acts of God, you are permitted to exceed the sixteen hour limit?

Mr. Jacoby: Yes, sir.

Mr. Carter: Do you remember any act of God that day?

Mr. Jacoby: No, I don't think I do.

Mr. Carter: Now, go on to the next one.

Mr. Jacoby: Here is one of the 10/12/13, from Moulton to Moberly, a distance of 96 miles, worked sixteen hours.

Mr. Carter: Well, now, can you give me an estimate of about how many you have got there for yourself?

Mr. Jacoby: Probably twelve or fifteen or twenty—about twenty, I guess.

Mr. Carter: Covering what period?

Mr. Jacoby: Well, from October 19, 1910, to the present time—to 7/1 of this year.

Mr. Carter: Do you think other firemen have had other experiences similar to yours?

Mr. Jacoby: Worse than mine.

Mr. Carter: How many firemen are there on the division?

Mr. Jacoby: How many other firemen?

Mr. Carter: Yes.

Mr. Jacoby: On the Moberly Division?

Mr. Carter: Yes.

Mr. Jacoby: 137 ahead of me.

Mr. Carter: Then it is 137 times Jacoby's experience?

Mr. Jacoby: Yes, sir.

RE-CROSS EXAMINATION.

Mr. Sheean: Did you say since October, 1910?

Mr. Jacoby: October the 19th, 1910.

Mr. Sheean: What is it?

Mr. Jacoby: October the 19th, 1910—10/19/10.

Mr. Sheean: Then, in a period of over four years, you have fifteen or twenty experiences of being on the road more than sixteen hours?

Mr. Jacoby: Well, I don't know—maybe I have got that many more over there. I just jumped through and grabbed out part of them.

Mr. Sheean: You have gone through a period reaching back as far as October, 1910?

Mr. Jacoby: Well, I have only got one for that year. The most of them are in 1913 and 1914.

Mr. Sheean: This one that Mr. Carter just asked you about, a distance of 96 miles made in sixteen hours, you have no memorandum at all as to where you were or what you did on any part of that trip?

Mr. Jacoby: I think part of the time was sawing by trains. There aren't many passing tracks that will hold trains on that district. Running for water and stuff like that. I think the biggest time used was there.

Mr. Sheean: But you haven't any memorandum at all indicating what was the cause of being sixteen hours in getting over a distance of 96 miles?

Mr. Jacoby: No, sir, I haven't any record here.

Mr. Sheean: And no recollection as to the particular trip?

Mr. Jacoby: No, sir.

Mr. Sheean: That is all.

Mr. Nagel: The experience you had in the year 1913—

Mr. Jacoby: I think it was in the year 1913.

Mr. Nagel: That was on the Wabash?

Mr. Jacoby: Yes, sir.

Mr. Nagel: Was that road in the hands of a receiver at that time?

Mr. Jacoby: I think they were, if I am not mistaken. I would not be positive of it.

RE-DIRECT EXAMINATION.

Mr. Carter: You spoke of sawing by. Will you explain to the Board what "sawing by" means—you said you were delayed sawing by.

Mr. Jacoby: Yes, sir. I believe it was this same trip—I am not sure, and I would not say it was—we were to meet a passenger train one night and there was room there for about ten cars in the house track, and be headed in for this passenger train, and there was a freight train flagged there on No. 1, at this place, and we were there for about—Oh, I should say three or four hours before we ever got away, sawing that freight train out.

Mr. Carter: Isn't it a fact the general reason for sawing by trains is that the trains are too long for the side tracks?

Mr. Jacoby: Yes, sir, that is the reason.

Mr. Carter: If a side track is only one-third of a mile long and the train is two-thirds of a mile long, it would be very hard to get that train on the side track, wouldn't it?

Mr. Jacoby: It would be very hard, yes, sir.

Mr. Carter: That is all.

Mr. Sheean: That is all.

Mr. Carter: Mr. Mohler.

O. C. MOHLER was called as a witness, and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and your place of residence.

Mr. Mohler: O. C. Mohler, Bloomington, Illinois.

Mr. Carter: By what road are you employed?

Mr. Mohler: Chicago & Alton.

Mr. Carter: In what capacity?

Mr. Mohler: Fireman.

Mr. Carter: What division?

Mr. Mohler: Southern Division.

Mr. Carter: Where does the Southern Division run to and from?

Mr. Mohler: Bloomington to Venice, Illinois.

Mr. Carter: How far?

Mr. Mohler: 149 miles.

Mr. Carter: Have there been any larger engines introduced on this division or any other division of the Chicago & Alton, on which you have worked, since you went to work there?

Mr. Mohler: Yes, sir.

Mr. Carter: You have been there about four years?

Mr. Mohler: Yes, sir, on that division.

Mr. Carter: Now, can you briefly tell the difference between the engines when you went there and the engines there now?

Mr. Mohler: Well, the engines I fired then, when I first came here, were Consolidated engines, weighing about 184,000 pounds on drivers. That was in 1909. In 1910 there were thirty Mikados came there, weighing 214,000 pounds on drivers, cylinders about 26 by 28 inches, driving wheels 63 inches, fire box 7 by 10 feet.

Mr. Carter: Were there any more large engines that came there afterwards?

Mr. Mohler: Yes, sir; the first part of last year.

Mr. Carter: Well, what kind of engines were they?

Mr. Mohler: Twenty Mikados.

Mr. Carter: Twenty more Mikados?

Mr. Mohler: Yes, sir, about the same dimensions as the others.

Mr. Carter: Do these larger engines pull more tonnage?

Mr. Mohler: Yes, sir.

Mr. Carter: Give us an idea of about how much more tonnage they pull?

Mr. Mohler: About six hundred to eight hundred tons more.

Mr. Carter: What do the Consols pull?

Mr. Mohler: 3100 to 3200.

Mr. Carter: What do the Mikados pull?

Mr. Mohler: 4880.

Mr. Carter: That would be about a twenty-five per cent increase?

Mr. Mohler: Yes, sir.

Mr. Carter: How many engines did you say?

Mr. Mohler: Fifty, all told.

Mr. Carter: Has this increased tonnage affected the number of firemen employed there?

Mr. Mohler: Yes, sir, I think so.

Mr. Carter: Has it affected the number of engineers employed there?

Mr. Mohler: Yes, sir.

Mr. Carter: How many engineers have been set back?

Mr. Mohler: Fifty-two.

Mr. Carter: How many firemen there now are older than you?

Mr. Mohler: One hundred and ten.

Mr. Carter: Is promotion much slower now than it would have been before?

Mr. Mohler: Yes, sir.

Mr. Carter: Are your present prospects of promotion very brilliant?

Mr. Mohler: No, sir, not very good.

Mr. Carter: You have been there four years and two months?

Mr. Mohler: Working for the Alton five years and one month.

Mr. Carter: If you have been working for the Alton five years and one month,—how many men did you say there were ahead of you?

Mr. Mohler: Fifty-eight on the Firemen's roster and, owing to the men being set back or demoted, one hundred and ten.

Mr. Carter: If, after four years and two months, or five years, or whatever it is, you have risen to that point where there are one hundred and ten men firing engines older than you, how old do you think you will be when you get to running a regular engine?

Mr. Mohler: I don't know. I haven't figured it out.

Mr. Carter: Have you almost given up hope of ever running an engine there?

Mr. Mohler: I might as well.

Mr. Carter: Don't you think you should be compensated for your work as a fireman in some other manner than prospects of running a locomotive?

Mr. Mohler: I think I ought to be.

Mr. Carter: Do you know how many firemen are out of employment by being cut off the list?

Mr. Mohler: There were seventy-three, but they have taken six back.

Mr. Carter: The business began to pick up a little?

Mr. Mohler: It did, for a week or ten days, but it has dropped off again, now.

Mr. Carter: About how much more coal—these Mikados were superheaters?

Mr. Mohler: Yes, sir.

Mr. Carter: How much more coal did these Mikados burn, when they came there, than the Consolidation engines that they displaced?

Mr. Mohler: One to three tons more.

Mr. Carter: Then, about how much coal are these same Mikados, superheaters, burning than when they came there?

Mr. Mohler: About one to four tons, I think.

Mr. Carter: About how much?

Mr. Mohler: One to four tons.

Mr. Carter: One to four tons?

Mr. Mohler: More, yes, sir.

Mr. Carter: Then, the Mikado superheaters today are burning several tons more than the old Consolidations did in the old days, is that not true?

Mr. Mohler: Yes, sir, that is my idea.

Mr. Carter: Tell me about your wages?

Mr. Mohler: My wages, for the first eleven months of this year, averaged between $63 and $65 per month.

Mr. Carter: You have been on the extra list, have you not?

Mr. Mohler: I was on there thirteen days.

Mr. Carter: Have you been in the pool all the rest of the time?

Mr. Mohler: Yes, sir, had a regular job.

Mr. Carter: About how much did you make a year ago, on the average, in 1913?

Mr. Mohler: Between $95 and $97.

Mr. Carter: Do you remember what your average was the year before that?

Mr. Mohler: No, sir.

Mr. Carter: Has the cost of living increased around your house?

Mr. Mohler: My wife tells me it has. I know it has by the amount of money she uses.

Mr. Carter: Weren't you off duty in 1913?

Mr. Mohler: Yes, sir, a little bit, not much.

Mr. Carter: How much?

Mr. Mohler: I don't think I was off duty over twenty days during the year.

Mr. Carter: About how much have you been off duty in 1914?

Mr. Mohler: About the same length of time this year.

Mr. Carter: Do you think twenty days off duty is very much for a fireman?

Mr. Mohler: It has not been for me.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: In 1913 they were running the same engines over the same division—Mikado engines?

Mr. Mohler: That they are now, yes, sir.

Mr. Sheean: And in 1913, throughout the year 1913, your earnings there ran from $95 to $97 a month?

Mr. Mohler: Yes, sir.

Mr. Sheean: Now, has there been any change in the tonnage rating there, on the Alton, since 1910?

Mr. Mohler: Well, under normal conditions, we pull—the time card is 3,980 tons; that is under normal conditions. As it begins to get colder, we cannot pull quite so much, so they cut it down by order, by message.

Mr. Sheean: What tonnage are they actually pulling there on the Alton?

Mr. Mohler: Right now?

Mr. Sheean: Yes.

Mr. Mohler: About 3,200 tons, I think, right now.

Mr. Sheean: And what is the traffic down there on that division—where did you say you ran, from Bloomington to Venice?

Mr. Mohler: Yes, sir.

Mr. Sheean: What is the traffic there; what commodities do they haul?

Mr. Mohler: What do they haul?

Mr. Sheean: Yes.

Mr. Mohler: Coal, lumber, brick, tile, grain.

Mr. Sheean: Most of it going south?

Mr. Mohler: Most of it north.

Mr. Sheean: Most of it coming north?

Mr. Mohler: Yes, sir.

Mr. Sheean: What is the southbound traffic?

Mr. Mohler: Mostly empties.

Mr. Sheean: A very large percentage of empties on that division, isn't it?

Mr. Mohler: Yes, sir. The preferred runs haul a good many loads; extras, mostly empties.

Mr. Sheean: When were these seventy-three men you speak of put off?

Mr. Mohler: They were cut off about February, I think, of this year.

Mr. Sheean: February, 1914?

Mr. Mohler: I think so. Right close to the first of the year.

Mr. Sheean: And, on the Alton, the same practice obtains that there is on most of the roads, that the board is cut at the request of the men?

Mr. Mohler: Yes, sir.

Mr. Sheean: And the dropping off of these seventy-three men was because of the request of the men to cut the board?

Mr. Mohler: Well, yes, so that they could make a living. That was the reason.

Mr. Sheean: The engines there on that division—are they pooled or assigned engines?

Mr. Mohler: First in, and first out—in the pool.

Mr. Sheean: The engines are pooled as well as the men?

Mr. Mohler: Yes, sir.

Mr. Sheean: When was the request made to cut the board, do you remember—was this all done at the one time, or have there been several requests in 1914?

Mr. Mohler: There was one more cut after that, about April, I think; but I think that only cut the extra men. It didn't have anything to do with the pool men.

Mr. Sheean: The thirty Mikado engines were installed down there in 1910, on this division?

Mr. Mohler: About April, yes, sir.

Mr. Sheean: April, 1910?

Mr. Mohler: Yes, sir.

Mr. Sheean: Then, there were twenty more came in during the year 1913?

Mr. Mohler: Yes, sir, early in the spring.

Mr. Sheean: What time in the year 1913, if you remember?

Mr. Mohler: Well, I would say about April.

Mr. Sheean: April, 1913?

Mr. Mohler: Yes, sir.

Mr. Sheean: Now then, the cutting of the board and the dropping off of these men began in February, 1914?

Mr. Mohler: As near as I can recollect—right close to the first of the year.

Mr. Sheean: And the cutting was done successively by two requests of the men, one in February, 1914, and the other April, 1914?

Mr. Mohler: Yes, sir.

Mr. Sheean: And there had been no change in the tonnage rating or in the class of power in more than a year previous to the time that the cutting was made, or about a year previous—put it that way—I don't know whether it was a little more or a little less?

Mr. Mohler: No, I believe not.

Mr. Sheean: Now, during the year 1913, there was quite a number of firemen hired on this division, wasn't there?

Mr. Mohler: No, I don't think there were many hired in 1913. They are older men than that, I think.

Mr. Sheean: I mean new men came into the service down there after the installation of the Mikado engines, early in 1913, that they hired some thirty or forty new firemen?

Mr. Mohler: Well, they were hired about 1912, I think, most of these men.

Mr. Sheean: Well, in 1912 there were a number of firemen hired?

Mr. Mohler: Yes, sir, I think so.

Mr. Sheean: Also some in 1913?

Mr. Mohler: I think there were a few.

Mr. Sheean: The largest power there are the Mikados?

Mr. Mohler: We did have three Mallets, but they are not in service.

Mr. Sheean: And when were the Mallets in service there?

Mr. Mohler: Well, just maybe for a month or two, that is all.

Mr. Sheean: About when?

Mr. Mohler: I don't remember. I could not tell you the year. It has been since I have been working there, but I could not tell you the year.

Mr. Sheean: Well, was it about the time that they got these additional twenty Mikados that the Mallets were pulled off and the Mikados put on?

Mr. Mohler: I don't know.

Mr. Sheean: How many Mallets did they have down there?

Mr. Mohler: There were three. They were only there a very short time. The men could not fire them, with the tonnage they were pulling.

Mr. Sheean: I think that is all.

Mr. Park: Did you formerly haul a good deal of coal into Peoria for the North Western?

Mr. Mohler: No, sir, not into Peoria—I never worked into Peoria. It used to come up the main line.

Mr. Park: That business has been taken over by the North Western, itself, building into that southern country, hasn't it?

Mr. Mohler: I didn't hear you.

Mr. Park: That business has been taken over by the Chicago & North Western building its own line into that southern country, hasn't it?

Mr. Mohler: Yes, sir, their own road.

Mr. Park: That is all.

RE-DIRECT EXAMINATION.

Mr. Carter: In regard to the men being cut off the board at the request of other men, if, on account of the introduction of larger engines, they are able to pull more tonnage, so that ten engines and ten engine crews can do the work of twenty, is it necessary to cut the board—I mean if the work done by twenty men is subsequently done by ten men, would there be work for twenty men there?

Mr. Mohler: No, sir.

Mr. Carter: With this cutting of the board, is it not necessary because of the reduced earnings of the men?

Mr. Mohler: I said it was done so we could make a living.

Mr. Carter: With regard to this coal burning, how much coal do you burn?

Mr. Mohler: Tell me which way you mean?

Mr. Carter: Well, I will let you name a run.

Mr. Mohler: Why, from Bloomington to Venice with a train of empties, we have no specified limit of empties that I know of, and it is anywhere from—well, whatever they give you; sometimes a hundred and sometimes less, and we burn about twenty tons going south. Coming back with a tonnage train we burn about twenty-five to twenty-eight tons.

Mr. Carter: Do you do that by yourself?

Mr. Mohler: No, not all of it.

Mr. Carter: Who helps you?

Mr. Mohler: The engineer; and, the brakeman as a usual thing helps me.

Mr. Carter: Do you believe it would be impossible for you to shovel that twenty-five tons?

Mr. Mohler: Not more than one trip or so.

Mr. Carter: Do you have to shovel a good deal of that down so you can shovel it into the fire box?

Mr. Mohler: Yes, sir. I have to shovel down about five or six tons of it.

Mr. Carter: Out of every tank full?

Mr. Mohler: Yes, sir.

Mr. Carter: Do you believe that there should be two firemen on that run?

Mr. Mohler: Yes, sir.

Mr. Carter: Did you say you shoveled twenty tons of coal, pulling a string of empties?

Mr. Mohler: I did.

Mr. Carter: Then firemen may work, pulling empty cars?

Mr. Mohler: Well, if they give you as many so as to hold you down the same as if you had a tonnage train. I can't see any difference.

Mr. Carter: About how many empties have you pulled there?

Mr. Mohler: As high as a hundred.

Mr. Carter: Assuming 44 feet to the car, that would be 4,400 feet. And 5,200 feet is a mile; that shows how near a mile of cars you have.

Mr. Mohler: Yes, sir.

Mr. Carter: About three-quarters of a mile, anyway. In pulling these long trains, how does the conductor communicate signals to the engineer?

Mr. Mohler: Well, as a usual thing he comes over and tells him what he wants.

Mr. Carter: Suppose a case where you were pulling out of a station, and there was something wrong with a car and this conductor has to climb over three-quarters of a mile of cars to communicate with the engineer; how long would it be before you would get close enough to him to see his signal?

Mr. Mohler: I don't know. It would be a good long time.

Mr. Carter: Of course, he could pull the air on the hind end?

Mr. Mohler: Yes, he could pull the air.

Mr. Carter: If it was a very bad case, couldn't he?

Mr. Mohler: Yes, sir; he does do it sometimes.

Mr. Carter: When he pulls the air from the hind end of the train, is there generally a break-in-two, something of that kind?

Mr. Mohler: Quite often. Sometimes he will get several drawbars when he does that.

Mr. Carter: He tries to avoid using this air on the back end of the train as much as possible, does he not?

Mr. Mohler: Yes, he don't want to do it.

Mr. Carter: Do you believe it is safe to operate trains three-quarters of a mile long?

Mr. Mohler: No, sir.

Mr. Carter: How many brakemen do you have on this three-quarters of a mile of cars?

Mr. Mohler: Two.

Mr. Carter: How do the two brakemen communicate with each other, the head brakeman and the hind brakeman?

Mr. Mohler: Well, it is so far back that they cannot see one another, so the head man walks back a ways and the hind man comes up a ways, and that is the way they communicate together.

Mr. Carter: In foggy weather about what part of the train would they have to walk over so they could communicate with each other?

Mr. Mohler: They would have to walk over and tell one another.

Mr. Byram: A little louder, please. I can't hear a word you say.

Mr. Mohler: I say they would have to walk over and tell one another what they wanted.

Mr. Carter: Tell each other what they wanted to do?

Mr. Mohler: Yes, they do that quite frequently.

Mr. Carter: Now, Mr. Mohler, I know you can talk louder if you will.

Mr. Mohler: All right, I will try to.

Mr. Carter: You didn't do it that time. In case the brakemen want to communicate with each other, or the conductor in the caboose wants to communicate with the brakeman on the head end and the weather is foggy, or something of that kind, is it possible for you to see under conditions like that where you have a long string of empties such as you have described here?

Mr. Mohler: No, sir, you cannot see the signals.

Mr. Carter: I guess that will be all.

The Chairman: Any thing further, Mr. Sheean?

RE-CROSS EXAMINATION.

Mr. Sheean: Just one question. Mr. Mohler, I have here what purports to be the roster of the firemen on that northern and southern division of the Alton. I suppose you recognize that, or do you (exhibiting document)?

Mr. Mohler: Yes, sir, I do.

Mr. Sheean: This, under date of July 15th, 1914, seems to show from 139 up to 177 employed during the year 1913.

Mr. Mohler: I didn't think there were that many.

Mr. Sheean: Well, just examine that list from there down, will you please; from January 1st, 1913, down to October, 1913, and see whether you recognize the names of those firemen or any of those firemen as having been employed during that time?

Mr. Mohler: I know a few of them.

Mr. Sheean: From this official roster—do you recognize that as being the roster?

Mr. Mohler: Yes, sir.

Mr. Sheean: Of the Chicago & Alton?

Mr. Mohler: Yes, sir.

Mr. Sheean: It would seem from that that there were 38 firemen employed during the year 1913, who remained in the service of the company down as late as July 15th, 1914, would it not?

Mr. Mohler: Most of these men are gone, however. They are not here now.

Mr. Sheean: But, in order to retain seniority and their place upon the list, they must have gone under leave of absence, must they not?

Mr. Mohler: Yes, sir, I presume so.

Mr. Sheean: So that as late as July, 1914, apparently there were some 38 men employed during the year 1913, who still remained on the company's seniority list?

Mr. Mohler: Yes, sir.

Mr. Sheean: I think that is all.

Mr. Park: Mr. Mohler, you stated to Mr. Carter, in answer to Mr. Carter's question, that you thought it unsafe to operate trains with 100 cars. How many cars would you consider safe to be operated?

Mr. Mohler: About 50.

Mr. Park: 50 cars would be the limit?

Mr. Mohler: Yes, sir, that is what I would consider safe.

Mr. Park: That is all.

The Chairman: Stand aside.

Mr. Carter: The names of these men that were shown you as being retained on the roster of the Alton Railroad, is it not

true that they do not dismiss them from the service because they are let off?

Mr. Mohler: No, sir, they hold their rights.

Mr. Carter: They hold their rights, do they not?

Mr. Mohler: Yes, sir.

Mr. Carter: When business picks up so they are re-employed on the Alton, they don't take their seniority away from them as they do on the North Western, do they?

Mr. Mohler: No, sir.

Mr. Carter: That is all.

(Witness excused.)

The Chairman: Call your next witness.

Mr. Carter: Mr. Chairman and gentlemen: I will put a witness on the stand now, and I suppose he will have to wait over until tomorrow; and the indications are now that we will be compelled to call some of our witnesses back here after the first of January, as much as I would like to have finished with all of them.

W. F. STEVENS: was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence.

Mr. Stevens: W. F. Stevens; Calgary, Alberta.

Mr. Carter: You are employed on what railroad?

Mr. Stevens: Canadian Pacific Railway.

Mr. Carter: In what capacity?

Mr. Stevens: Locomotive fireman.

Mr. Carter: How long have you been firing on the Canadian Pacific Railway?

Mr. Stevens: Five years and five months.

Mr. Carter: Have you ever run an engine?

Mr. Stevens: No, sir.

Mr. Carter: You have passed the examination for the position of engineer?

Mr. Stevens: Yes, sir.

Mr. Carter: After you passed the examination for the position of engineer, there was a depression in business, or a falling off in business?

Mr. Stevens: Yes, sir.

Mr. Carter: In addition to the decrease in business on the Canadian Pacific, which I understand is on account of the war, perhaps—

Mr. Stevens: Yes, sir:

Mr. Carter: Was there also a decrease in the firemen's work on account of the increased tonnage? That is, were there larger engines brought in there?

Mr. Stevens: Yes, sir.

Mr. Carter: These larger engines pulled more cars than the smaller engines?

Mr. Stevens: Yes, sir.

Mr. Carter: About how much more tonnage would the large engines pull?

Mr. Stevens: On the Calgary subdivision where I worked at the time they came on, they pulled about 300 tons more than the engines we had on there before.

Mr. Carter: About how much did the other engines pull?

Mr. Stevens: About 2,070 tons.

Mr. Carter: And the other engines pulled about how much.

Mr. Stevens: About 2,350 tons, I think it is.

Mr. Carter: That would tend to displace firemen, would it not?

Mr. Stevens: Yes, sir.

Mr. Carter: Set engineers back?

Mr. Stevens: Yes, sir.

Mr. Carter: Do you know anything about being held away from home terminal?

Mr. Stevens: Yes, sir.

Mr. Carter: About how much are you held away from home terminal?

Mr. Stevens: We have been held away as long as 28 hours, that I am positive of.

Mr. Carter: Ordinarily, how much are you held away from home terminal?

Mr. Stevens: On an average of about 26 hours.

Mr. Carter: What effect on your net earnings per month does this holding you away from your home terminal have?

Mr. Stevens: It increases your expenditure about $15 a month away from home.

Mr. Carter: Does it decrease your earnings by being held

there so long? That is, are you making any money while you are held there?

Mr. Stevens: No, sir.

Mr. Carter: About how much would your expenses be per month, including the time you are held at the foreign terminal and the time you are on the road? I don't mean your home expenses, but the expenses of yourself, while on the road?

Mr. Stevens: They will run pretty close to $30 a month.

Mr. Carter: If you received $100 a month, as a fireman, would you have to pay $30 of this $100 out for your expenses?

Mr. Stevens: Some months I would.

Mr. Carter: Some months it would perhaps run less than that?

Mr. Stevens: Yes, sir.

Mr. Carter: I suppose it is possible to run more than that if you are held away from your home very much?

Mr. Stevens: Yes, sir, it is.

Mr. Carter: Then, in estimating the earnings of a fireman, when we speak about his earnings as being $60, $80, $90, $100 or $120 a month, that includes the expenses of the fireman that he pays?

Mr. Stevens: It includes all expenses.

Mr. Carter: If a man was earning $100 a month on your division as a fireman, after he paid his expenses, his earnings would be about how much.

Mr. Stevens: About $70.

Mr. Carter: Do you find that the weather conditions on the Canadian Pacific tend to prevent your getting over the road promptly, in winter time, I mean?

Mr. Stevens: Yes, sir.

Mr. Carter: I will not go into details, gentlemen, about the weather conditions in Canada. You know what they are.

Do you know anything about the cost of living?

Mr. Stevens: Yes, sir.

Mr. Carter: Aside from your expenses on the road?

Mr. Stevens: Yes, sir.

Mr. Carter: Tell me something about the cost of living, and if there is any difference between now, and say two or three or four years ago?

Mr. Stevens: Fuel has gone up from fifteen to twenty per cent.

Mr. Sheean: Fuel, did you say?

Mr. Stevens: Fuel, yes. Flour, sugar, and the necessities have also gone up.

Mr. Carter: Does that include the "war" prices, or before the war?

Mr. Stevens: They went up before the war.

Mr. Carter: They are going still higher now?

Mr. Stevens: They are going still higher now.

Mr. Carter: But you only refer to before the war?

Mr. Stevens: Yes, sir.

Mr. Carter: Do you find that practically all the necessities of life have increased?

Mr. Stevens: Well, I don't handle that part myself.

Mr. Carter: Have you heard complaint from your wife to that effect?

Mr. Stevens: Yes, sir; she says that things are getting higher all the time.

Mr. Carter: Do you notice an increase in the cost of meals away from home?

Mr. Stevens: Yes, sir.

Mr. Carter: About what is your wages ordinarily? The reason I ask this is that the Canadian Pacific has the reputation of paying high wages to firemen on account of their large mileage. I would like to hear from you.

Mr. Stevens: This year, the year 1914, I averaged about $94 a month.

Mr. Carter: About $30 of that went for expenses?

Mr. Stevens: Yes, sir.

Mr. Carter: That would mean about $74 a month net?

Mr. Stevens: Yes, sir.

Mr. Carter: Or, I mean, $64?

Mr. Stevens: Yes, sir.

Mr. Carter: Last year you earned a little more, did you not?

Mr. Stevens: Yes, sir.

Mr. Carter: How much?

Mr. Stevens: Well, I would average about $110 or $115 last year.

Mr. Carter: And the same amount of money would be taken away for your expenses, so far as your real earnings are concerned?

Mr. Stevens: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Stevens, on this expense away from home terminal, 26 hours or 24 hours away from home; what is the expense for that 24-hour period?

Mr. Stevens: 24 hours away from home?

Mr. Sheean: Yes.

Mr. Stevens: Well, you pay from 35 cents to 50 cents per meal. That would be—

Mr. Sheean: I was wondering whether on this $30 a month you were not—

Mr. Stevens: $30 or less a month.

Mr. Sheean: What is it?

Mr. Stevens: $30 or less a month.

Mr. Sheean: I did not just see how you could have $30 of those 24 hour periods laying away from home terminals in the month, and still make so much mileage. Perhaps I am wrong, but if you are away from home 24 hour periods at a time, you could not do that more than fifteen times a month, could you?

Mr. Stevens: No; you could do it as high as ten times a month.

Mr. Sheean: As high as ten times a month?

Mr. Stevens: Yes, and it would run you over two dollars each time.

Mr. Sheean: Then you are figuring that the expense, if you are there a 24 hour period, is the two dollars a day house, fifty cents for each meal and fifty cents for each bed?

Mr. Stevens: I might say that you cannot get a meal any place up there that is fit for a human being to eat, for less than 35 cents.

Mr. Sheean: Well, on the 35 cents, Mr. Stevens, that would be four times 35 for each of your away from home terminals. That would be $1.40 each time there. Now, you cannot on that run get any more than about ten of those a month, can you, away from home?

Mr. Stevens: Yes, you can get fifteen a month in.

Mr. Sheean: Even on fifteen a month, wouldn't you still be a little high? I don't quite see where you get this $30 a month, or whether you are not figuring thirty trips on that, rather.

Mr. Stevens: You mean from the time we leave home until we get back, 24 hours?

Mr. Sheean: No.

Mr. Stevens: I am talking from the time I arrive at the terminal where I have gone to, until I leave that terminal.

Mr. Sheean: Yes.

Mr. Stevens: And then, in addition, my expenses on the road between those two terminals.

Mr. Sheean: All of the expense during the month that you paid would be from $30 down to somewhere below that; you could not very well get above a $30 payment of expenses on any of these runs, unless you happen to get laid over away from home?

Mr. Stevens: Unless we were fortunate enough to lay at the away from home terminal.

Mr. Sheean: Yes, very much longer than you do in any actual operations.

Mr. Stevens: Yes, sir.

Mr. Sheean: Your expense at away from home terminal ordinarily runs not to exceed $10 a month, does it not?

Mr. Stevens: In what way do you mean?

Mr. Sheean: Where you are away from your home terminal. You answered Mr. Carter, as I understood you, that you sometimes were held away as much as 28 hours; that is, the time away from the home terminal.

Mr. Stevens: No, you are mistaken. That is the time that I have laid in one place waiting for traffic.

Mr. Sheean: And at a terminal other than your home terminal?

Mr. Stevens: Yes.

Mr. Sheean: Then, if I understood you, an average of the time held away from home would be 26 hours?

Mr. Stevens: About 26 hours, yes.

Mr. Sheean: Now, if the average away from home terminal was 26 hours, then on any run where there was that average, that would not mean more than ten round trips a month, would it?

Mr. Stevens: Just about.

Mr. Sheean: Ten round trips a month?

Mr. Stevens: Yes.

Mr. Sheean: You usually do better than that, don't you, Mr. Stevens?

Mr. Stevens: During the month of October I didn't at the time I was on that run.

Mr. Sheean: What run was that?

Mr. Stevens: That was between Calgary and Medicine Hat, a through freight run.

Mr. Sheean: How long is that?

Mr. Stevens: That is a 180 mile division.

Mr. Sheean: If you got ten round trips on that, you would have 3,600 miles, wouldn't you?

Mr. Stevens: Yes.

Mr. Sheean: And if you make 3,600 miles, how much a mile do you get there?

Mr. Stevens: $3.55 per hundred.

Mr. Sheean: $3.55, so that on that particular run you would make 3,600 miles at $3.55, if you had this experience of being away from home terminal that length of time?

Mr. Stevens: Yes, sir.

Mr. Sheean: That, of course, would bring this money up considerably above this average you spoke of, wouldn't it?

Mr. Stevens: Yes, sir.

Mr. Sheean: That is something like $140 a month, isn't it? Well, we can figure it. It would be 3,600 miles at 3.55 a mile?

Mr. Stevens: Yes, sir.

Mr. Sheean: When you speak of the increased cost of living, do you have in mind any particular time when this increase started, whether it was in 1910 or prior to that date?

Mr. Stevens: What I have in mind is in August of 1914.

Mr. Sheean: But comparing it with what time as a base, Mr. Stevens? Was it previous to the first of January, 1911, that you had in mind that you are comparing it with, or is it since January 1st, 1911?

Mr. Stevens: Since that.

Mr. Sheean: Since that time?

Mr. Stevens: Yes.

Mr. Sheean: When was the change in power made on this division?

Mr. Stevens: In the autum of 1913.

Mr. Sheean: And the rating there was from what to what?

Mr. Stevens: From what we call 180 per cent to 210 per cent.

Mr. Sheean: Your engines on the Canadian Pacific are rated on this percentage basis?

Mr. Stevens: On the percentage basis, yes, sir.

Mr. Sheean: And the new power that came in at that time was given a rating of 210 per cent?

Mr. Stevens: Of 210 per cent, yes, sir.

Mr. Sheean: What was the difference in the rate of pay on that engine at 210 per cent, as compared with the 180 per cent engine?

Mr. Stevens: No difference.

Mr. Sheean: The same rate of pay?

Mr. Stevens: The same rate of pay.

Mr. Sheean: What is the rate paid on that division?

Mr. Stevens: I beg pardon?

Mr. Sheean: What is the fireman's pay on that division?

Mr. Stevens: $3.55 a hundred for a 180 per cent engine; also for a 210 per cent engine.

Mr. Sheean: What is the weight on drivers, of these two engines?

Mr. Stevens: I don't know the weight on drivers. That is not furnished us.

Mr. Sheean: That is not furnished?

Mr. Stevens: We don't work on that basis at all.

Mr. Sheean: These were both superheated engines, were they?

Mr. Stevens: Yes, sir.

Mr. Sheean: What change was there in type or style of the engine itself? Do you know whether there was any difference in the weight on drivers?

Mr. Stevens: Yes, I think there is in the weight on drivers, but I couldn't tell you.

Mr. Sheean: You couldn't tell what that was?

Mr. Stevens: No. They are a larger engine.

Mr. Sheean: Now, in the matter of laying away from the

home terminal, of course, if a man is on an assigned run it is determined entirely by the schedule of the train, isn't it, if he has an assigned run?

Mr. Stevens: Well, there was no assigned run at that time, when I was laying away from home.

Mr. Sheean: That is, they all ran first in first out?

Mr. Stevens: Yes.

Mr. Sheean: And any delay coming back on any of these trips was because of there not being traffic on the return trip?

Mr. Stevens: Yes, I suppose you could put it that way.

Mr. Sheean: Of course, you don't know of any instances of holding the men there if there was traffic for them to carry back in the other direction, and sometimes they were brought back light, as a matter of fact, were they not?

Mr. Stevens: I have never run light on there. What I mean by light is the engine and caboose.

Mr. Sheean: What is it?

Mr. Stevens: What I mean by running light is the engine and caboose.

Mr. Sheean: You have come back, however, with smaller tonnage than you went in the other direction with?

Mr. Stevens: Not unless it was on a section of a passenger train.

Mr. Sheean: Do you succeed in getting the full tonnage in both directions there at all times?

Mr. Stevens: Whenever it is possible to get it.

Mr. Sheean: But I am talking about whether it is always possible, whether the Canadian Pacific is so fortunate that it can maintain this equilibrium of traffic in both directions all the time.

Mr. Stevens: What I do know is that there have been cars in the yard and they have held the trains waiting for other cars. That is, empties that were to go west; whether they needed them west at that time or not I don't know, but I know the cars were there to go west at some time or other, and still they held the train for other cars.

Mr. Sheean: When you get into this point at the away from home terminal, the crews run there just the same as at the home terminal, first in first out?

Mr. Stevens: Yes.

Mr. Sheean: And you do know, of course, that there are fluctuations in the amount of traffic east and west bound, at different times of the year?

Mr. Stevens: Yes, sir.

Mr. Sheean: I think that is all.

RE-DIRECT EXAMINATION.

Mr. Carter: On the Canadian Pacific, you generally work on miles, do you not?

Mr. Stevens: Yes, sir.

Mr. Carter: A high speed road, is it?

Mr. Stevens: No, sir.

Mr. Carter: I mean to say, you get your freight trains over the road generally at a speed of more than ten miles an hour?

Mr. Stevens: Yes, sir.

Mr. Carter: Have you any Hours of Service Law there?

Mr. Stevens: No, sir.

Mr. Carter: Are you ever held on duty more than sixteen hours?

Mr. Stevens: Not I.

Mr. Carter: You get over the road very nicely within the sixteen hours, do you?

Mr. Stevens: I have been fortunate enough to do so.

Mr. Carter: If these engines which you fire were loaded down so they could not make very much speed, do you think it would change the conditions so that you would have to work on hours?

Mr. Stevens: Well, according to the characteristics of the road, they cannot load them down.

Mr. Carter: How is that?

Mr. Stevens: Without doubling certain points of it.

Mr. Carter: Is it a hilly road?

Mr. Stevens: Rolling.

Mr. Carter: Could they not load them down so you could hardly get over the road with them?

Mr. Stevens: They could, by changing the tonnage from station to station.

Mr. Carter: Suppose they made you double a few hills.

Mr. Stevens: It would take us a great deal longer to go over the road, if they did that.

Mr. Carter: That is what I mean. The practice of the C. P. R. is to get their freight over the road promptly, is it not?

Mr. Stevens: Yes, sir, I believe so.

Mr. Carter: That results in the fireman making miles instead of hours?

Mr. Stevens: Yes, sir.

Mr. Carter: If that policy should be changed, however, so there was no desire to get the freight over the road very fast and you had to work say ten or twelve, or sixteen hours going one hundred miles or less, it would affect your earnings greatly, would it not?

Mr. Stevens: Yes, sir.

Mr. Carter: In regard to your expenses, will you give us a typical trip; when you leave home and are held away from home terminal, what you eat, how you eat it, what you pay for it; and if you sleep, where you sleep and what you pay for it?

Mr. Stevens: We leave Calgary, and receive orders there for six o'clock in the morning; we generally have to carry a lunch, on account of no accommodations on the road on certain districts, to get anything to eat.

Mr. Carter: Then you board with your wife on that trip; she fixes up your lunch for you?

Mr. Stevens: Yes. When my wife has been away, it has been necessary for me to have my lunch filled at the restaurant, and it has cost me $1.50 to get the pail filled.

Mr. Carter: That is for the round trip?

Mr. Stevens: That is for the round trip. When we get to the other end, if we lay there any length of time, it means three meals at from thirty-five to forty and fifty cents a meal; it depends on what you eat and how much you eat. The company maintains what are called bunk houses at their terminals; they have beds for us and washing accommodations.

Mr. Carter: How long have you been on the road in this round trip, counting the hours held away?

Mr. Stevens: I have been away from home as high as seventy hours.

Mr. Carter: Well, about how many meals did you eat?

Mr. Stevens: From six to eight, depending on when I could get them.

Mr. Carter: Don't you think that is rather a long trip, that seventy hour trip?

Mr. Stevens: Yes, sir.

Mr. Carter: Well, what is an average trip, counting your time going over the road, held away from home at the terminal, and back; what I am trying to get at, Mr. Stevens, is to find out about how much money you spend on a round trip; and I will say, take a trip where your wife does not fix up your lunch pail for you; say you leave in the middle of the night.

Mr. Sheean: Is this from Calgary to Medicine Hat, you are talking about.

Mr. Stevens: I work four ways out of Calgary.

Mr. Sheean: I was just wondering on this trip, Mr. Carter was asking about, just where you were going. If you please, when you answer the question, specify the particular run you were making; that is what bothered me a little, because you spoke of having several trips, and I do not think your answer indicated which one you had in mind.

Mr. Stevens: That was Calgary to Medicine Hat, the trip I was speaking of.

Mr. Carter: I was trying to ask you about how much money you would spend on a round trip, not including a lunch fixed up by your wife; of course, that would be a different proposition.

Mr. Stevens: It would be four meals at least, at the other end of the road.

Mr. Carter: Would they average about thirty-five or forty cents a meal?

Mr. Stevens: Yes, it would average forty cents a meal.

Mr. Carter: That is $1.60 for those four meals. Now, the company furnishes a bunk house for you?

Mr. Stevens: Yes, sir.

Mr. Carter: That does not cost you anything?

Mr. Stevens: No, sir.

Mr. Carter: The meals en route would cost you about how much?

Mr. Stevens: From thirty-five to fifty cents.

Mr. Carter: How many meals would you eat?

Mr. Stevens: As often as possible; it is pretty hard to say.

Mr. Carter: Three or four times?

Mr. Stevens: Yes, sir.

Mr. Carter: I would like to know about how many meals you would eat. You say you would eat these three or four meals at the held away from home terminal. Would you eat only one meal going across the road?

Mr. Stevens: If we were not over twelve hours, that would be all we would eat.

Mr. Carter: Then about six meals for the round trip?

Mr. Stevens: Yes, sir.

Mr. Carter: You think it would cost you about forty cents a meal?

Mr. Stevens: It would average about that.

Mr. Carter: That would be about $2.40?

Mr. Stevens: Yes, sir.

Mr. Carter: How many trips would you have to make at that to make up your thirty dollars, without counting anything for bed; about twelve trips?

Mr. Stevens: About twelve trips.

Mr. Carter: That is all.

Mr. Sheean: If you got twelve round trips in a month, that is on this 180 mile division?

Mr. Stevens: 180 miles.

Mr. Sheean: You would have twenty-four times 180 miles in that month as your pay?

Mr. Stevens: Yes, sir.

Mr. Sheean: So that in order to bring it up to this thirty dollar deduction, you would have to have a month of operations in which you made twenty-four times 180 miles. Now, Mr. Stevens, was it October, 1914, in which you say there was such a long held away from home terminal at Medicine Hat?

Mr. Stevens: Yes, sir.

Mr. Sheean: This last October?

Mr. Stevens: This last October.

Mr. Sheean: That was not a normal condition of affairs, was it, this last October?

Mr. Stevens: That was the only time I was on that run;

but I understand from what other men were talking about, that it has been for the last year.

Mr. Sheean: Well, the last year has been somewhat abnormal on the Canadian Pacific, has it not?

Mr. Stevens: In what way?

Mr. Sheean: As to both the amount of business and the kind of business that they have carried, particularly since the war?

Mr. Stevens: No, I do not think the war has affected it, that is since the war started. It may have affected it before the war started.

Mr. Sheean: What I meant particularly was as to October, 1914. Is not that a very unusual condition, to have any twenty-four or twenty-eight hours hold over at Medicine Hat?

Mr. Stevens: No, sir, I do not think it is.

Mr. Sheean: The reason I asked that, Mr. Stevens, was, that in October, 1913, apparently, on the reports as made to us as to the time held away at Medicine Hat, Medicine Hat seems to run down as low as one hour, and no time beyond twelve hours in that whole month of October, 1913, was anybody held at Medicine Hat longer than twelve hours. I have no memorandum as to October, 1914, and I was wondering whether October, 1914, was not a very unusual condition. (Handing paper.)

Mr. Stevens: Will you explain to me how that is figured out, one hour being held away from home?

Mr. Sheean: "Statement showing length of time of pool freight, unassigned or chain gang engine crews, were held at away from home terminal, coming into Medicine Hat." I assume that is, the men started out again on the return trip within one hour after they got in.

Mr. Stevens: That is a pretty hard proposition to do, when they give the men two hours' call, is it not?

Mr. Sheean: The statement is "The hours calculated mean from time released from duty, until time when compensation again begins, under schedule rules," so that would be one hour at Medicine Hat not under pay, in case he went right back. The rest of the time on the turn-around would be under pay, except one hour. It then runs up as high as twelve hours, apparently, in that month. All I wanted was to ascertain whether or not October, 1914, was not a very unusual condition of affairs there.

Mr. Stevens: Not that I know of.

Mr. Sheean: Your only operation personally was in that month, was it?

Mr. Stevens: Yes, sir.

Mr. Sheean: Into Medicine Hat?

Mr. Stevens: I have never run across a condition where I have been held in there only one hour.

Mr. Sheean: I do not know from this, Mr. Stevens, that Medicine Hat—is Medicine Hat to Calgary the only run there, or are there other runs terminating at Medicine Hat, besides from Calgary?

Mr. Stevens: There are others.

Mr. Sheean: I did not mean to imply that on this long 180 mile run you would turn back in one hour; but this attempts to be a record of every train crew in that month whose home terminal was not Medicine Hat, as to the length of time they put in there; and this might be a short run, turn-around. I do not know the operation.

Mr. Stevens: It could not be done.

Mr. Sheean: Well, between what other points than Calgary are there runs into Medicine Hat?

Mr. Stevens: From what is known as the Crow division, from Lethbridge.

Mr. Sheean: What is the distance of some of those runs?

Mr. Stevens: I don't know what the distances of those runs are.

Mr. Sheean: But they are shorter than this run you have described?

Mr. Stevens: Yes, sir.

Mr. Sheean: In the practical operation of the Canadian Pacific, the tying up of a crew for rest is optional with the men, after fifteen hours?

Mr. Stevens: Yes, sir.

Mr. Sheean: And any one member of the crew there ties up, does he not?

Mr. Stevens: Yes, sir.

Mr. Sheean: And the other men, if they do not ask the rest, are under pay?

Mr. Stevens: Yes, sir.

Mr. Sheean: So if you have five men out on the run, on the

Canadian Pacific, and one books for rest, after fifteen hours, and the others do not ask for rest, the others can stay on continuous time?

Mr. Stevens: Not at the same rate of pay for all of them.

Mr. Sheean: No, at whatever their schedules call for?

Mr. Stevens: Yes, sir.

Mr. Sheean: The fireman has one rate of pay, the engineer another, the conductor another, and the brakemen another; but if, on the Canadian Pacific, the fireman, at the end of fifteen hours, booked for rest, the engineer and the conductor and the two brakemen who did not book for rest, would be on continuous time?

Mr. Stevens: They would be on continuous time at a certain rate of pay, whatever the schedule provides for.

Mr. Sheean: Well, the man who booked for rest, of course, would not be under pay while he was taking the rest that he asked for?

Mr. Stevens: No.

Mr. Sheean: There is, is there not, at Medicine Hat, a pusher service in and out of Medicine Hat?

Mr. Stevens: Yes, sir, there is.

Mr. Sheean: So that, of course, in that pusher service. it might be that a person would run into Medicine Hat and stay there one hour and then run out again?

Mr. Stevens: That pusher service is an assigned work. Men are assigned to that. I think they put in ten or twelve hours. It has nothing to do with the road crews whatever that go into Medicine Hat. That is what I was speaking about, on that one hour lay-over at Medicine Hat.

Mr. Sheean: Well, there are short runs into Medicine Hat? That is, while you do not know just the detail of those runs, you do know that there are short runs into Medicine Hat?

Mr. Stevens: Yes, but not less than an hour, not as low as an hour, staying there at Medicine Hat.

Mr. Sheean: Well, that might be under the provision here, Mr. Stevens, of one hour not compensated time; there might be an actual stay of the engine of more than one hour, but a release of the men and not being under pay merely that one hour?

Mr. Stevens: You must understand me, Mr. Sheean, that

an engine goes in there and if an official uses his head at all, he will not undertake to supply an engine out of there in less than one hour. If he does, he is going to get himself up against it.

Mr. Sheean: No, I think perhaps I did not make clear to you what the form purported to show. The hours calculated from the time released from duty until time when compensation again begins under schedule rules. That is, under your schedule rule you would have your preparatory time?

Mr. Stevens: Yes.

Mr. Sheean: And this one hour would be simply the time between the compensated time; in other words, it might be, it would have to be, at least one hour and thirty minutes, because the only break that is shown here is the break of time not paid for, and there would, of course, have to be more than the one hour actual detention of the engine, because, under your rules, you are paid preparatory time.

Mr. Stevens: Yes, sir.

Mr. Sheean: So that under this explanation, it was not intended that the engine should be there only one hour. In fact, it would, under this showing, have to be there more than the one hour, because that one hour is merely the break in compensated time. Now, that is not impossible on these shorter runs at all?

Mr. Stevens: I do not know of any runs running into Medicine Hat, that lay there less than five hours.

The Chairman: How long will it take you to finish, Mr. Sheean?

Mr. Sheean: Just a moment. I think I will be through in just a question or two.

The Chairman: We have reached the hour for adjournment.

Mr. Sheean: Do you know how many engines are actually out of service on the Canadian Pacific?

Mr. Stevens: Actually out of service?

Mr. Sheean: Yes, on this division, tied up and out of service, because there is no business for them, that were in business a year ago?

Mr. Stevens: Take the whole Alberta division, there is just about a hundred that are tied up at Ogden shop at the present time.

Mr. Sheean: And a year ago those engines were in work?

Mr. Stevens: Yes, sir. I believe they were waiting for power, if I understand, at the time.

Mr. Sheean: And business there, if they had the power; but at this time the power is tied up and no business for the power?

Mr. Stevens: Yes, sir. They had a smaller class of engine at that time.

Mr. Sheean: That is all.

The Chairman: Do you desire to ask anything further, Mr. Carter?

Mr. Carter: I am through with the witness.

(Witness excused.)

Mr. Nagel: Just a question. Mr. Carter, you intimated that you might not get through with your witnesses tomorrow. But do you expect to call more than twenty?

Mr. Carter: In reply to that inquiry, I will say that we have about six or seven switch engine and transfer men that we wanted to put on together. I fear now that we cannot finish with them tomorrow. Before this witness was called, some time, I began to look for some of my witnesses, but they are not here, and I do not know where they are. I advised them last night that I would not use them, and I suppose they thought I meant what I said.

Mr. Nagel: Well, we are accustomed to that.

Mr. Carter: Now, tomorrow I can examine about four; if I can get through with four road men tomorrow, I will not put on any switch engine men at all, and then we will put all the switch engine men on on January 4th, and we will clean them up. I have about four witnesses that I can use tomorrow from the road, but I would not like to put one switch engine man on and then forget it by January 4th. I would like to have all the switch engine men put on together. And if we use as much time as we have been in the habit of using, these four should take up the day, or enough of the day to adjourn when they are through.

I would like very much if I could use all my switch engine and transfer men together. I am afraid I could not get through with the six men tomorrow, or through with half of them, because, introducing a new topic, switch engine service and transfer service, will perhaps lead to a much lengthier examination, and

cross-examination, and I would like, if possible, to handle all the switch engine men at once. I have four road witnesses that I can use tomorrow. It may be that, if we hurry up, we will be ready to adjourn by three o'clock in the afternoon, but I would not want to put on a switch engine witness and then adjourn half way through his testimony until two weeks from now.

Mr. Nagel: We might sit an additional hour, if you please, and give you a chance to get through.

Mr. Carter: I do not believe it will be possible, because the first witness we will put on will go into detail as to the duties of switch engine firemen, and so forth; and after that, we will just touch the high spots with the others. The distinction between transfer and switching service, as it affects firemen, is quite an important matter with us. If we could use four witnesses tomorrow and then adjourn, and let me use the switch engine witnesses on January 4th, I would be very much obliged.

The Chairman: I think you have made very good progress so far. We will take an adjournment until ten o'clock tomorrow morning.

(Whereupon, at 5:05 o'clock P. M., December 21, 1914, an adjournment was taken until 10 o'clock A. M., December 22, 1914.)

IN THE MATTER OF THE
ARBITRATION
between the
WESTERN RAILWAYS
and
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
and
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
under the Act approved July 15, 1913, *by agreement dated August* 3, 1914.

Chicago, Illinois, December 22, 1914.

Met pursuant to adjournment at 10:00 o'clock A. M.
Present: Arbitrators and parties as before.

Mr. Park: Mr. Chairman, there is a correction I think should be made on page 1812, volume 17, fifth word, thirty-first line: "Mr. Jacoby: I have got, I think, one, I think, signed by the superintendent, but above five—" I think that should be "about five."

The Chairman: Call your first witness.

Mr. Carter: Mr. Chairman and gentlemen, in keeping with what I said yesterday, it would be very pleasing to us if we were not required to begin the examination of our switch engine firemen and transfer firemen before January 4th. For the reasons stated yesterday, that we are anxious not to put a witness on the stand and to introduce a subject and then abandon the investigation until after the holidays. We have two road firemen that we would like to have testify this morning, and I do not think it will take to exceed fifteen or twenty minutes for each of them for direct examination. If the cross-examination does not require over twice as much time as the direct examination, why, it would be possible, I think, to adjourn this morning if it pleases the Board. Now, the only reason I suggest that is, I do not like to bring our switch engine firemen in this afternoon and

start that subject and then adjourn midway of the testimony. Now, I ask that as a favor.

The Chairman: We appreciate your position and I think we will really gain time, in the long run, by adopting your suggestion.

Mr. Carter: Thank you. I will call Mr. Jessup.

C. R. JESSUP was called as a witness and having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name and place of residence.

Mr. Jessup: C. R. Jessup, Argenta, Arkansas.

Mr. Carter: What is your present employment?

Mr. Jessup: Locomotive fireman.

Mr. Carter: By what road are you employed?

Mr. Jessup: The St. Louis, Iron Mountain & Southern.

Mr. Carter: That is a portion of the Missouri Pacific Railroad?

Mr. Jessup: Yes, sir.

Mr. Carter: Where are you located now?

Mr. Jessup: On the Argenta Extra Board.

Mr. Carter: Argenta, Arkansas, is that right?

Mr. Jessup: Yes, sir.

Mr. Carter: Are you acquainted with the several divisions on that seniority district?

Mr. Jessup: Yes, sir.

Mr. Carter: Describe between what points you run on all the districts there.

Mr. Jessup: We work two ways out of Argenta, from Argenta to Hoxie yard north, 117 miles, and from Argenta to Texarkana south, 146 miles.

Mr. Carter: Don't you run between Paragould and Lexa?

Mr. Jessup: Then we have a subdivision from Paragould to Lexa.

Mr. Carter: How far is that?

Mr. Jessup: A distance of 106 miles.

Mr. Carter: Are the same engines now used between Argenta and Hoxie?

Mr. Jessup: Yes, sir.

Mr. Carter: Has there been an increase in tonnage on these same engines?

Mr. Jessup: Yes, sir, there has, on the north end.

Mr. Carter: About how much has been this increase?

Mr. Jessup: Four hundred tons.

Mr. Carter: That would be about what per cent, about 20 per cent?

Mr. Jessup: About 20 per cent.

Mr. Carter: With regard to this tonnage, does it exceed the time card reading?

Mr. Jessup: Yes, sir, it does on the Memphis Division, between Paragould and Lexa.

Mr. Carter: Now, describe the conditions on the Memphis division between Paragould and Lexa. First describe the locomotives that were there when you went there.

Mr. Jessup: When I went there there was a Consolidated engine weighing 152,000 pounds on drivers. That was replaced by a larger Consolidated engine weighing 187,000 pounds on drivers.

Mr. Carter: What was the tonnage of the engine when you first went there?

Mr. Jessup: 2,300 tons on the 400 class.

Mr. Carter: How is that?

Mr. Jessup: 2,300 tons on the 400 class.

Mr. Carter: 2,300 tons on the 400 class?

Mr. Jessup: Yes, sir.

Mr. Carter: Are the 400 class engines still there?

Mr. Jessup: No, sir, they are gone.

Mr. Carter: What class of engines are there now?

Mr. Jessup: A Consolidated engine weighing 187,000 pounds on drivers.

Mr. Carter: How much more tonnage does this engine that is now there pull than the engine that was there?

Mr. Jessup: There is 1,700 tons difference in the heaviest train handled.

Mr. Carter: About 1,700 tons difference. What is the rating of this Consolidated engine now there?

Mr. Jessup: 2,700 tons.

Mr. Carter: How much do they pull by the despatcher's orders?

Mr. Jessup: Anywhere from 3,000 to 4,000 tons.

Mr. Carter: Then, the rating shown on the time card of a locomotive is no true index as to the amount of tonnage hauled, is it?

Mr. Jessup: Not there, it is not.

Mr. Carter: If it should be shown hereafter that on the Paragould to Lexa trackage there has been no increase in the tonnage of those engines, by exhibiting the time card rating, then those time cards would be deceptive, would they not?

Mr. Jessup: Yes, sir.

Mr. Carter: I understand you to say that these locomotives are shown on the time card as rated at 2,700 tons?

Mr. Jessup: Yes, sir.

Mr. Carter: But that they pull from 3,000 to 4,000 tons?

Mr. Jessup: Yes, sir.

Mr. Carter: About how much coal do you burn between Paragould and Lexa?

Mr. Jessup: Oh, it will average about 18 to 20 tons each way over the division.

Mr. Carter: About 18 to 20 tons each way over the division. You sometimes have lighter trips than that?

Mr. Jessup: Yes, sir.

Mr. Carter: Sometimes heavier trips?

Mr. Jessup: Yes, sir.

Mr. Carter: But you think 18 to 20 tons would be about an average?

Mr. Jessup: I think it would be a fair average.

Mr. Carter: How long are you generally burning that 18 to 20 tons going from Paragould to Lexa?

Mr. Jessup: Well, sometimes you can go south in about nine or ten hours; anywhere from nine to fourteen hours.

Mr. Carter: Anywhere from nine to fourteen hours, south?

Mr. Jessup: Yes.

Mr. Carter: How about north?

Mr. Jessup: Well, anywhere from ten to fifteen hours.

Mr. Carter: Anywhere from ten to fifteen hours. Are you ever tied up?

Mr. Jessup: No, sir, we generally reduce and get in.

Mr. Carter: I understand you to say that you are not tied up very often?

Mr. Jessup: Not very often; no, sir.

Mr. Carter: And the reason you are not tied up very often is because the conductor is permitted to set out tonnage so he can get in?

Mr. Jessup: Yes, sir.

Mr. Carter: Then is it a fact, Mr. Jessup, that, where this practice prevails, that there is no occasion for tying up crews?

Mr. Jessup: Not often; no, sir.

Mr. Carter: Under the circumstances which you have recited, do you believe that any train could be gotten over the division, or an ordinary division, within sixteen hours, by setting out sufficient tonnage to get in.

Mr. Jessup: Well, yes, I think so.

Mr. Carter: They do it on this division you are talking about, do they not?

Mr. Jessup: Yes, sir.

Mr. Carter: Therefore, if a train is tied up, it is because it is believed more economical to hang on to all the tonnage the engine will pull; is that true?

Mr. Jessup: Yes, sir.

Mr. Carter: Who helps you to shovel this eighteen to twenty tons of coal?

Mr. Jessup: Well, the brakeman does, if he feels like it.

Mr. Carter: The brakeman does? It is not his duty, is it?

Mr. Jessup: No, sir.

Mr. Carter: It depends entirely on the disposition of the brakeman; is that true?

Mr. Jessup: Yes, sir.

Mr. Carter: It is gratuitous on his part; is that true?

Mr. Jessup: Yes, sir.

Mr. Carter: How many firemen are now older than you on this seniority district out of Argenta?

Mr. Jessup: On January 1, 1914, seniority list, I am the 134th man, and there were twenty-three demoted engineers to be placed on this list, and they are on it right now.

Mr. Carter: I do not understand that. You say that there are twenty-three demoted men to be placed on the list?

Mr. Jessup: Yes, sir.

Mr. Carter: How do you know that?

Mr. Jessup: Because they have been pulled off.

Mr. Carter: And the rules of the company would require them to go back to firing?

Mr. Jessup: Yes, sir.

Mr. Carter: Including those demoted engineers, what is your position on the firemen's seniority list?

Mr. Jessup: I would be 157.

Mr. Carter: About 157, after your years' service for that road?

Mr. Jessup: Yes, sir.

Mr. Carter: At this rate of progression or retrogression, how long do you think it will be before you are promoted to the position of engineer and have a regular engine to run?

Mr. Jessup: I don't believe I would last that long.

Mr. Carter: How many firemen have been cut off before these demoted engineers were put back?

Mr. Jessup: There were twenty-three, I think, altogether.

Mr. Carter: And the probabilities are, for every engineer demoted, there will be another fireman cut off?

Mr. Jessup: There will be some more.

Mr. Carter: In 1911 was the speed of the trains faster than now?

Mr. Jessup: Yes, sir; I think they were getting over the road better then than they are now.

Mr. Carter: Did you use to make miles faster than you do now?

Mr. Jessup: Yes, sir.

Mr. Carter: Do you generally make hours now instead of miles?

Mr. Jessup: Yes, sir, not always.

Mr. Carter: Are you held away from home terminal very much?

Mr. Jessup: Yes, anywhere from ten to twenty-five hours.

Mr. Carter: Does that increase your expenses away from home?

Mr. Jessup: Yes, sir.

Mr. Carter: Does it increase your earnings?

Mr. Jessup: Yes, sir.

Mr. Carter: Did you ever do any hostling there?

Mr. Jessup: Very little.

Mr. Carter: What did you receive as pay when you did the hostling?

Mr. Jessup: $82.60 days, and $87.60 nights.

Mr. Carter: Then they pay more for night work for hostlers than they do for day work?

Mr. Jessup: Yes, sir.

Mr. Carter: What were the requirements of the company before you could hostle?

Mr. Jessup: Well, they thought you had to be an experienced man.

Mr. Carter: How much experience does a hostler have to have before he is permitted to hostle?

Mr. Jessup: About two years.

Mr. Carter: You think, then, that the company has adopted that rule as a safety measure?

Mr. Jessup: Yes, sir, I do.

Mr. Carter: Do you believe that a man who has charge of locomotives at terminals as hostler, should be an experienced man?

Mr. Jessup: Yes, sir.

Mr. Carter: State why you believe so.

Mr. Jessup: Well, an incompetent man handling an engine is more liable to accidents than a man who is competent.

Mr. Carter: Is he liable to let the water get low when the fire is not low?

Mr. Jessup: Yes, sir.

Mr. Carter: You do not know of any special case, though, when an incompetent hostler burned a locomotive, do you?

Mr. Jessup: No, I cannot recall any right now.

Mr. Carter: But your judgment would lead you to believe that it was dangerous to leave an expensive locomotive in the keeping of an incompetent man?

Mr. Jessup: Yes, sir.

Mr. Carter: Do you believe that the engineers and firemen in that service have an interest in the matter, for the protection of themselves?

Mr. Jessup: Yes, sir.

Mr. Carter: If the railroads, through their policy, do not

believe it is necessary to place competent men in charge of locomotives at terminals, do you believe that engineers and firemen are right in their request that competent men be placed there?

Mr. Jessup: I think they are right.

Mr. Carter: What about your wages?

Mr. Jessup: Well, for the year 1914 I have averaged somewhere between $85 and $90.

Mr. Carter: What about the year before?

Mr. Jessup: I have no record of my time before.

Mr. Carter: You have a record here of this past year?

Mr. Jessup: Yes, sir.

Mr. Carter: The year 1914?

Mr. Jessup: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: When was this change in tonnage made, Mr. Jessup; the substitution of the 187,000 pounds for the $152,000?

Mr. Jessup: It was in May, I believe.

Mr. Sheean: Of this last year?

Mr. Jessup: Yes, sir.

Mr. Sheean: 1914?

Mr. Jessup: Yes, sir.

Mr. Sheean: Before that time between 1910 and down to May, 1914, the power was the same there?

Mr. Jessup: I wasn't on that district until last February. They had the smaller engines there when I took a job there in February.

Mr. Sheean: And the change was made a few months after you came there?

Mr. Jessup: Yes, sir.

Mr. Sheean: Were those new engines put in there?

Mr. Jessup: No, sir.

Mr. Sheean: Or engines brought from another part of the system?

Mr. Jessup: Another part of the system, yes, sir.

Mr. Sheean: And on the part of the system that you had worked before, they had engines of that weight and type?

Mr. Jessup: Yes, sir.

Mr. Sheean: Has there been, on the other parts of the system, any change in the motive power?

Mr. Jessup: I don't think so.

Mr. Sheean: Then, this was simply a shifting from one division to another of a certain type and style of power?

Mr. Jessup: Yes.

Mr. Sheean: How frequently do they succeed in getting the full tonnage or this excess tonnage?

Mr. Jessup: Why, it is nearly an every-day occurrence.

Mr. Sheean: And there are days when they do not come even to the rated tonnage, aren't there?

Mr. Jessup: No, not going north. You have always got it.

Mr. Sheean: How about coming south?

Mr. Jessup: You occasionally will be a little light. What we call light is time card rating. Sometimes you will go out with less than time card rating.

Mr. Sheean: But you have made no memorandum or attempted to keep any record of the percentage of full tonnage rating or less than tonnage rating in either direction?

Mr. Jessup: Oh, I have got a few, yes.

Mr. Sheean: I mean to compare the one with the other, through a period of time.

Mr. Jessup: Yes.

Mr. Sheean: Well, what proportion would you say, through any month, was up to tonnage rating and what below the tonnage rating?

Mr. Jessup: Why, it was greater.

Mr. Sheean: I understood you to say at times it was greater, but sometimes that it was less, south bound. All I meant, Mr. Jessup, was whether you had attempted to keep any record, through a month or a week or any other time, for the purposes of comparison?

Mr. Jessup: No, I haven't got the south bound. I have the excess.

Mr. Sheean: But only the excess?

Mr. Jessup: Yes, sir.

Mr. Sheean: What you have, simply, is certain specific excess—you haven't taken or attempted to compare all the traffic that moved or that you handled during any period of time?

Mr. Jessup: No, because it was not often that we were

light. They had a car limit of 95 cars, and in hauling empties south, you would occasionally be below your time card rating.

Mr. Sheean: Is traffic there heavier in one direction than in another?

Mr. Jessup: It was at that time. Some empties going south and loads going north.

Mr. Sheean: What is the traffic that they have there mostly —what commodities?

Mr. Jessup: Lumber, mostly. Lumber, and they haul some coal south.

Mr. Sheean: Has the lumber movement been normal here during the last year?

Mr. Jessup: It has been fairly normal, yes, sir.

Mr. Sheean: Does that run all the year round or is that seasonal, more at one part of the year than at another?

Mr. Jessup: I think it runs the year round.

Mr. Sheean: Does the division, in addition to the lumber and coal you speak of, have any fast fruit or stock service?

Mr. Jessup: They have one merchandise run.

Mr. Sheean: One merchandise run?

Mr. Jessup: Yes, sir, one each way.

Mr. Sheean: That is all the year round?

Mr. Jessup: Yes, sir.

Mr. Sheean: Well, during the spring and summer months, is there any handling of fruit or stock there?

Mr. Jessup: No, sir.

Mr. Sheean: No stock at all handled?

Mr. Jessup: No, sir. I never handled any.

Mr. Sheean: Well, on the other divisions you ran on— this is the Paragould district you are talking of now?

Mr. Jessup: Yes, sir.

Mr. Sheean: On any of the other divisions you ran on, is there any Red Ball freight there?

Mr. Jessup: Yes, sir, some.

Mr. Sheean: About how many trains a day?

Mr. Jessup: There are about two, I believe.

Mr. Sheean: And about what is the running time that they make?

Mr. Jessup: I don't recall their running time, north. The running time on 57 is, I think, 10 hours from Little Rock to Texarkana—from Argenta, rather.

Mr. Sheean: When were these engineers demoted.

Mr. Jessup: Since the first of the year.

Mr. Sheean: That is during the year 1914?

Mr. Jessup: Yes, sir.

Mr. Sheean: In October, 1913, were there any demoted engineers on this division where you are working?

Mr. Jessup: I don't recall if there were or not.

Mr. Sheean: All of the twenty-three you think have been some time since that, some time during the year 1914?

Mr. Jessup: They have all been on the board since the 1st of January.

Mr. Sheean: Were you on the extra board all this last year?

Mr. Jessup: No, sir.

Mr. Sheean: What is it?

Mr. Jessup: No, sir, not all the time.

Mr. Sheean: Not all the time?

Mr. Jessup: No, sir.

Mr. Sheean: About what part of the time were you on extra?

Mr. Jessup: I went on the extra board about the middle of September.

Mr. Sheean: September last?

Mr. Jessup: Yes, sir.

Mr. Sheean: Before that time where were you?

Mr. Jessup: I was on a regular job, chain gang job out of Paragould.

Mr. Sheean: To Lexa?

Mr. Jessup: Yes, sir.

Mr. Sheean: And the chain gang was reduced there, was it, in September last?

Mr. Jessup: Yes, sir. There were two jobs pulled off over there, after those big engines came over there.

Mr. Sheean: They came in the spring, did they not?

Mr. Jessup: Yes, sir.

Mr. Sheean: But you were not reduced until September?

Mr. Jessup: No, sir.

Mr. Sheean: Were there any new engines came in there in September?

Mr. Jessup: No, sir, not that I know of.

Mr. Sheean: Any change at all in motive power?

Mr. Jessup: I don't think so.

Mr. Sheean: What reduction was made in September in the board, how many crews were cut?

Mr. Jessup: There were no crews pulled off the Paragould District in September. There were some men came from Argenta and displaced me.

Mr. Sheean: From Argenta?

Mr. Jessup: Yes, sir.

Mr. Sheean: They displaced you by the exercise of their seniority rights?

Mr. Jessup: Yes, sir.

Mr. Sheean: How much was the board cut at Argenta, if you know?

Mr. Jessup: I don't remember just exactly what the reduction was. They got these twenty-three men from over the entire district.

Mr. Sheean: How large a district is this seniority district, about how many crews in it, if you know, or what territory does it cover, perhaps that would be better.

Mr. Jessup: From Hoxie to Texarkana, and from Paragould to Lexa, and Bald Knob to Memphis.

Mr. Sheean: About how many miles altogether, is that?

Mr. Jessup: There is 146 miles south of Little Rock; and 117 miles north of Little Rock: 90 miles, Bald Knob to Memphis, and 106 miles, Paragould to Lexa.

Mr. Sheean: Now, on this system there is a schedule provision for filling hostling positions from the ranks of the firemen?

Mr. Jessup: Yes, sir.

Mr. Sheean: That schedule provision has been on this system for quite a long time, at least it was there and in the schedule when you went to work for this road?

Mr. Jessup: Yes, sir.

Mr. Sheean: That is all, Mr. Jessup.

(Witness excused.)

The Chairman: Call your next witness.

B. C. KUEHL was called as a witness and, having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Carter: State your name.

Mr. Kuehl: B. C. Kuehl.

Mr. Carter: Where do you reside?

Mr. Kuehl: Aurora, Illinois.

Mr. Carter: What is your occupation?

Mr. Kuehl: Locomotive fireman.

Mr. Carter: On what road are you working?

Mr. Kuehl: On the Burlington & Quincy.

Mr. Carter: Chicago, Burlington & Quincy?

Mr. Kuehl: Yes, sir.

Mr. Carter: When did you go to work as a fireman on the Chicago, Burlington & Quincy Railroad?

Mr. Kuehl: October 25, 1906.

Mr. Carter: How many years of seniority as a fireman would that give you?

Mr. Kuehl: Eight years and pretty near two months.

Mr. Carter: Over eight years as a fireman?

Mr. Kuehl: Yes, sir.

Mr. Carter: How many firemen are now older than you?

Mr. Kuehl: At the present time there are thirty-eight.

Mr. Carter: Thirty-eight?

Mr. Kuehl: Yes.

Mr. Carter: Are there any of these thirty-eight demoted engineers?

Mr. Kuehl: Yes, sir, all of them.

Mr. Carter: Then you have been promoted too, have you not, or have you run an engine?

Mr. Kuehl: I was qualified for an engineer but I have never run an engine.

Mr. Carter: You never ran an engine?

Mr. Kuehl: No.

Mr. Carter: The prospects are not bright now?

Mr. Kuehl: No, sir.

Mr. Carter: When you went to work there, were you subject to a physical examination?

Mr. Kuehl: Yes, sir.

Mr. Carter: Similar to that described by other witnesses?

Mr. Kuehl: Yes, sir.

Mr. Carter: Required to strip?

Mr. Kuehl: Yes, sir.

Mr. Carter: Did you ever take an examination for insurance?

Mr. Kuehl: Yes, sir.

Mr. Carter: In what organizations or insurance companies?

Mr. Kuehl: Well, in the Firemen's and in the Royal Order of Moose; it is not an insurance; it is just a benefit order.

Mr. Carter: Anything else?

Mr. Kuehl: No, that is all; and the Burlington Relief.

Mr. Carter: How much insurance are you carrying in the Brotherhood of Locomotive Firemen and Enginemen?

Mr. Kuehl: $1,500.

Mr. Carter: Were you subjected to as rigid an examination when you made application for a beneficial certificate of $1,500 with the Brotherhood of Locomotive Firemen and Enginemen as you were when you asked for a job of firing with the C. B. & Q. Railroad?

Mr. Kuehl: No, sir.

Mr. Carter: Then, do you believe it requires a higher degree of physical perfection than it does to get insurance?

Mr. Kuehl: Yes, sir.

Mr. Carter: Have you had to pass this examination again?

Mr. Kuehl: I did, in eye sight and hearing.

Mr. Carter: To see whether the heat from the fire box and light had hurt your eyes or not?

Mr. Kuehl: Yes, sir.

Mr. Carter: Supposing that the heat of the fire box and the light had injured your eyes, and now, after eight years, you could not have passed the physical examination, would you have been dismissed from the service?

Mr. Kuehl: I think I would have been.

Mr. Carter: Do you know of any rule of the C. B. & Q. Railroad requiring any man who lays off, or, rather, is cut off the list, to be re-examined physically?

Mr. Kuehl: Yes, sir.

Mr. Carter: Do you know of anybody recently that has been examined, or can you cite any specific instance?

Mr. Kuehl: No, not since last spring.

Mr. Carter: You know last spring that some were re-examined before they were permitted to go to work again?

Mr. Kuehl: Yes, sir.

Mr. Carter: Have you any knowledge of what would have happened to them if, because of their service as firemen, or from any other cause, they had become less physically perfect than they had been, that they would not be permitted to resume their seniority rights?

Mr. Kuehl: No, sir, I do not think they would have got a job if they were not in physical condition.

Mr. Carter: Even though they had worked there for years as employes of that railroad?

Mr. Kuehl: Yes, sir.

Mr. Carter: To what do you attribute this especial severity of the rules of the C. B. & Q. Railroad?

Mr. Kuehl: What do you mean?

Mr. Carter: Why do you think, that when a man is cut off the list by depression in business, they will not let him go back to work without a severe physical examination? Have they what is called a Relief Association there?

Mr. Kuehl: Yes, sir.

Mr. Carter: Do you believe that has something to do with it?

Mr. Kuehl: I think it has.

Mr. Carter: Are firemen required to pass an examination for the Relief Association when they are given employment as firemen?

Mr. Kuehl: Yes, sir.

Mr. Carter: Tell me something about firemen throwing switches?

Mr. Kuehl: Well, we have four different places that I know of, where firemen are required to throw switches, leading the engine to and from the roundhouse.

Mr. Carter: Tell me where it is, and all about it.

Mr. Kuehl: At Savanna, Illinois, the roundhouse is about a mile from the depot; this is in passenger service; and there are three switches located about half way between the roundhouse and the depot, at Milwaukee Crossing. The fireman is required to throw these three switches, and when he gets up to

the depot he is supposed to throw three more to cross over onto the spur track off from the main line.

Mr. Carter: Where else are you required to throw switches?

Mr. Kuehl: We are required to throw one switch at 12th street, Chicago, Illinois. There are forty crews running into Chicago, Illinois, and each man has to throw his own switch going to the roundhouse.

Mr. Carter: That requires you to abandon your position as fireman, in order to act as switch tender or switchman?

Mr. Kuehl: Yes, sir.

Mr. Carter: When you reach these terminals, after firing either passenger or freight, in snowy, cold weather, what is the condition of your clothing?

Mr. Kuehl: It is generally wet through.

Mr. Carter: You are generally very wet?

Mr. Kuehl: Yes, sir.

Mr. Carter: From the snow melting from the heat of the boiler?

Mr. Kuehl: Yes, sir.

Mr. Carter: Also from perspiration, from overwork?

Mr. Kuehl: Sometimes, yes, sir.

Mr. Carter: What effect does that have on you, when the rules of the company require you to do a switchman's work, by getting down and unlocking the switch, throwing the switch, letting the engine pass, throwing the switch back, locking it and getting back on the engine?

Mr. Kuehl: You are liable to get sick from it.

Mr. Carter: Do not your clothes freeze in extreme cold weather?

Mr. Kuehl: Yes, sir.

Mr. Carter: Therefore, you are passing from a place where you are almost in a steam bath to away below zero weather, is that true?

Mr. Kuehl: Yes, sir.

Mr. Carter: And your wet clothes actually freeze on your body, do they?

Mr. Kuehl: Yes, sir.

Mr. Carter: Do you believe that firemen should be relieved of the duty of throwing switches?

Mr. Kuehl: I do.

Mr. Carter: When you are absent from your engine, doing switchman's work, the engine only has one man on it, has it not?

Mr. Kuehl: Yes, sir.

Mr. Carter: Supposing that a yard man on the fireman's side should see danger of an approaching car rolling through the yard toward the train or engine, and should give a hurried signal to pull out, there would be no fireman there to take the signal, would there?

Mr. Kuehl: No, sir.

Mr. Carter: He would be out switching?

Mr. Kuehl: Yes, sir.

Mr. Carter: What do switchmen get on the yards where you work?

Mr. Kuehl: I don't know what their wages are.

Mr. Carter: How are you now employed?

Mr. Kuehl: As a fireman.

Mr. Carter: In what class of service?

Mr. Kuehl: Way freight or local.

Mr. Carter: In way freight or local?

Mr. Kuehl: Yes, sir.

Mr. Carter: This must be an attractive position, is it not, or you would not have it.

Mr. Kuehl: Well, it is the only thing I can get.

Mr. Carter: Do you mean by that you think way freight is less desirable than through freight?

Mr. Kuehl: Yes, sir.

Mr. Carter: Now, in your own way, explain, at length, just why you believe that way freight is less desirable than through freight?

Mr. Kuehl: Well, you take a way freight or a local, as they call it, and the through freight comes along and sets out the cars, and the local takes care of them, switching them and placing them, and the through freight man is making more mileage than the man on the way freight or local. The man on the local is working on an hourly basis all the time, you might say.

Mr. Carter: What is your local run to which you have referred?

Mr. Kuehl: 106 miles, right at the present time.

Mr. Carter: About how much time do you put in?

Mr. Kuehl: All the way from 13 to 15½ hours.

Mr. Carter: From 13 to 15½ hours?

Mr. Kuehl: Yes, sir.

Mr. Carter: Did you ever make much money on this local, by working 13 to 15½ hours?

Mr. Kuehl: Yes, sir.

Mr. Carter: Well, name some month that you worked on the local and how much money you earned. Take some high earning month.

Mr. Kuehl: Well, in the month of June.

Mr. Carter: What year?

Mr. Kuehl: 1914.

Mr. Carter: How much did you earn?

Mr. Kuehl: $129.40.

Mr. Carter: $129.40?

Mr. Kuehl: Yes, sir.

Mr. Carter: How many hours a day did you work to earn that?

Mr. Kuehl: About 15 hours a day.

Mr. Carter: How many days?

Mr. Kuehl: Twenty-five days.

Mr. Carter: How many hours?

Mr. Kuehl: 369.

Mr. Carter: Then, although you earned $129.40, I believe you said—

Mr. Kuehl: Yes, sir.

Mr. Carter: You only earned about 35 cents an hour?

Mr. Kuehl: Yes, sir.

Mr. Carter: Is it not a fact that to earn this $129.40 you did two men's work, if we are to gauge it by the hours other employes are required to work?

Mr. Kuehl: Yes, sir.

Mr. Carter: Is it not a fact, Mr. Kuehl, that no matter how much a fireman or engineer earns, if he is working on hours, it does not indicate a high rate of wages?

Mr. Kuehl: No, sir, it does not.

Mr. Carter: For instance, suppose you made $200 a month, and you were working on hours, would it indicate that you were receiving a high rate of pay?

Mr. Kuehl: No, sir.

Mr. Carter: Would it indicate that you were working excessive hours?

Mr. Kuehl: Yes, sir.

Mr. Carter: About how much rest did you get in bed when you were on this local train, working an average of fifteen hours a day?

Mr. Kuehl: About five hours at the best.

Mr. Carter: Now, explain what transpired between these fifteen hours and the five hours?

Mr. Kuehl: Well, from the time I got off the engine and got home and changed my clothes—

Mr. Carter: You washed, I suppose?

Mr. Kuehl: I did.

Mr. Carter: It is quite an effort for a fireman to wash his face and hands, is it not?

Mr. Kuehl: Yes, it is sometimes.

Mr. Carter: The company used to furnish oil, but they do not do it any more. Well, it takes about how long from the time you are relieved from duty, before you can get to bed?

Mr. Kuehl: Well, I generally made it in about an hour and a half.

Mr. Carter: How long before you have to report for duty do you find it necessary to be called?

Mr. Kuehl: About an hour and thirty minutes. That is the arrangement I made at the depot.

Mr. Carter: Do you find it sometimes, even though you are tired, that you cannot get to sleep the instant you strike the bed?

Mr. Kuehl: Lots of times.

Mr. Carter: Therefore, in order to earn this $129 at 35 cents an hour, you had less than how much sleep every night?

Mr. Kuehl: Sometimes less than five hours.

Mr. Carter: Now, did you get very strong and robust by doing this work in June?

Mr. Kuehl: No, sir, I did not.

Mr. Carter: Well, did you feel worse afterwards?

Mr. Kuehl: Yes, sir, I did.

Mr. Carter: Did you lay off?

Mr. Kuehl: I did.

Mr. Carter: How much?

Mr. Kuehl: I laid off six days, I believe.

Mr. Carter: Well, did you believe it was necessary to lay off for six days to recuperate?

Mr. Kuehl: Yes, sir, but I laid off for six days in July, the first of July.

Mr. Carter: That was following your wonderful feat here? Now, should not those six days be added to the twenty-five days you really worked, to show your average earnings?

Mr. Kuehl: I think they should.

cent, or approximately so?

Mr. Kuehl: About that.

Mr. Carter: Would that not reduce your earnings 25 per

Mr. Carter: Is it not a fact that the C. B. & Q. Railroad pays a differential of 25 cents in local freight over through freight?

Mr. Kuehl: Yes, sir.

Mr. Carter: For the same class of engine?

Mr. Kuehl: Yes, sir.

Mr. Carter: They recognize that there is a difference in the work, by that, do they not?

Mr. Kuehl: Yes, sir.

Mr. Carter: Did you have difficulty in laying off after all this work you did?

Mr. Kuehl: I did.

Mr. Carter: How difficult was it to lay off?

Mr. Kuehl: I tried to lay off twice, in the month of June, and I couldn't; they claimed they didn't have no men. But, once I know they didn't have any men.

Mr. Carter: Once you know they didn't have any men?

Mr. Kuehl: Yes, they didn't have no men, so I worked, and I came in on the first of July, or just the trip before that; just the trip before the first of July I came in and wanted to lay off, and they had six men on the board and they told me that they couldn't let me off on account of the 4th of July coming on. That day, the 1st of July, when I came in, they let off three extra men. That would make nine men they had on the board that morning, and that night when I came in they only

had six, because they let off three extra men. They wouldn't let me off, so I lays off sick.

Mr. Carter: Were you not sick with fatigue?

Mr. Kuehl: Yes, sir, I was. I needed the rest.

Mr. Carter: Did you have to go to the doctor?

Mr. Kuehl: Yes, sir, I did.

Mr. Carter: Cannot a man be just as sick with physical exhaustion as he can with some other ailment?

Mr. Kuehl: Yes, sir; sometimes worse.

Mr. Carter: Then you were sick?

Mr. Kuehl: Yes, sir.

Mr. Carter: When you went back to work, did you have to get a certificate from the doctor?

Mr. Kuehl: Yes, sir, I did.

Mr. Carter: Why; because of this Burlington Relief Association?

Mr. Kuehl: Yes, sir.

Mr. Carter: Tell me something about the cost of living, or do you know anything about that?

Mr. Kuehl: Yes, sir, I do. I know that meals have increased from 25 cents to 35 cents in the last two years.

Mr. Carter: Where?

Mr. Kuehl: Savanna, Illinois.

Mr. Carter: At what point at Savanna, Illinois?

Mr. Kuehl: At the Gydeson Hotel, and also at Anderson's.

Mr. Carter: That is at Savanna?

Mr. Kuehl: Yes, sir.

Mr. Carter: Have you noticed any increase anywhere else?

Mr. Kuehl: Yes, sir; the meals have increased in the last year at Mendota, Illinois.

Mr. Carter: How much there?

Mr. Kuehl: Ten cents per meal.

Mr. Carter: Have you a family?

Mr. Kuehl: I have.

Mr. Carter: Has you wife noticed any increase in the cost of living?

Mr. Kuehl: Yes, she says she has.

Mr. Carter: She has complained, has she?

Mr. Kuehl: Yes, sir.

Mr. Carter: You don't have to ask her about it.

Mr. Kuehl: No, I don't pay much attention to that.

Mr. Carter: She pays the bills?

Mr. Kuehl: She pays the bills and looks after that part of it.

Mr. Carter: And does the kicking on increased cost of living?

Mr. Kuehl: Yes, sir.

Mr. Carter: I imagine, in June, you didn't have much time even to investigate?

Mr. Kuehl: No, I didn't; sometimes I didn't have time to eat.

Mr. Carter: Tell me about what your wages have been per month this year?

Mr. Kuehl: My wages have averaged about $100 per month.

Mr. Carter: Last year?

Mr. Kuehl: 1914.

Mr. Carter: Well, last year about how much?

Mr. Kuehl: Last year, 1913, it averaged about $109 a month.

Mr. Carter: Do you remember the year before that?

Mr. Kuehl: Yes, sir, I think it was $112 a month in 1912.

Mr. Carter: Then you have kept your wages up pretty well for a fireman, have you not?

Mr. Kuehl: Yes, sir.

Mr. Carter: You worked on hours, usually?

Mr. Kuehl: Mostly all the time.

Mr. Carter: Did you notice, since you have been there, a gradual decrease in the speed of freight trains on account of increased tonnage, or do they run just as fast now as they ever did?

Mr. Kuehl: No, they don't. The tonnage has increased.

Mr. Carter: This division you are on is a double track division, is it not?

Mr. Kuehl: Yes, sir, where I am at the present time the main line is double track.

Mr. Carter: The main line is double track?

Mr. Kuehl: Single track from Aurora to Savanna.

Mr. Carter: How far is the main line double-tracked?

Mr. Kuehl: I don't know. It is over the Aurora division—

Mr. Carter: I mean over your local run, from here to Aurora?

Mr. Kuehl: From Chicago to Galesburg.

Mr. Carter: From Chicago to Galesburg, but you are not firing this local on that track, are you?

Mr. Kuehl: No, I was firing the local from Aurora to Mendota. That was 46 miles.

Mr. Carter: That is double track?

Mr. Kuehl: Yes, sir.

Mr. Carter: That is all.

CROSS EXAMINATION.

Mr. Sheean: Mr. Kuehl, how long have you been firing local?

Mr. Kuehl: How long?

Mr. Sheean: Yes.

Mr. Kuehl: Well, I have fired, I think, since November 24th, 1913, up until the present time?

Mr. Sheean: That is on this same local?

Mr. Kuehl: No, it was on two locals, a distance of 106 miles, and 46 miles; and also a distance of 62 miles, I think.

Mr. Sheean: Before you had this local run, or the local run you have now described, were you also in local or way freight service before that, on some other run?

Mr. Kuehl: Before this 46 miles?

Mr. Sheean: Yes.

Mr. Kuehl: Yes, sir.

Mr. Sheean: Where was that run?

Mr. Kuehl: That was from Aurora to Savanna.

Mr. Sheean: How long were you on that run? I just wanted to get at in the most general way, Mr. Kuehl, how long you have been in local or way freight service, instead of through?

Mr. Kuehl: From April 10th to July 8th, I believe.

Mr. Sheean: This last year?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Going back for what period of time have you been in local service? When did you get a local run or way freight run? How long have you held local runs of some kind?

Mr. Kuehl: Why, I think it was some time in 1912.

Mr. Sheean: You have been running practically all the time for the last two years in local service, haven't you?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Local runs are bulletined runs, are they not?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Bid in by the men entitled to them?

Mr. Kuehl: Yes, sir.

Mr. Sheean: During all of this time you had the opportunity of following through freight instead of local?

Mr. Kuehl: No, sir, I did not.

Mr. Sheean: For more than two years?

Mr. Kuehl: No, sir.

Mr. Sheean: Were you the youngest man of the regular firemen in 1912 when you got this run?

Mr. Kuehl: I think I was.

Mr. Sheean: You were at the foot of the list of the regular firemen?

Mr. Kuehl: I was in the pool. I came out of the pool.

Mr. Sheean: You did bid the run in, did you not?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And every one else on the firemen's list at that time had passed it up, had they?

Mr. Kuehl: Not any older than me.

Mr. Sheean: No, not any older than you, I understand that, but how many men older than you at the time it was bulletined were there, who did not have a regular assigned run, and who passed this up? Do you know?

Mr. Kuehl: I don't know. I don't think there was any.

Mr. Sheean: You don't think there was any?

Mr. Kuehl: No, sir.

Mr. Sheean: In other words, you were at the top of the list instead of the bottom, were you not?

Mr. Kuehl: No, sir, I was at the bottom of the list. I was the oldest man in the pool for a regular job.

Mr. Sheean: You were at that time, in the pool, in through freight service?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And when this run was bulletined you bid it

in and selected it in preference to running in the pool in through freight?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And have elected to continue in way freight ever since?

Mr. Kuehl: Yes, sir.

Mr. Sheean: The way freight is ordinarily a daylight run, is it not?

Mr. Kuehl: Some of them are and some of them are not.

Mr. Sheean: The run that you have to Savanna, what time does that ordinarily leave and what time does it get to its destination?

Mr. Kuehl: Well, it leaves at 5:50 in the morning and gets in all the way from 7 to 9:30 at night.

Mr. Sheean: And what is about the average time of that run?

Mr. Kuehl: Oh, I should judge about fourteen hours.

Mr. Sheean: So that from 5:50 in the morning until 7:50 at night, you think would be an average time?

Mr. Kuehl: I think it would.

Mr. Sheean: The year round?

Mr. Kuehl: I think it would.

Mr. Sheean: It is sometimes made in considerably less than that, is it not?

Mr. Kuehl: Not very often, I don't think.

Mr. Sheean: This does not run on Sundays, does it?

Mr. Kuehl: No, sir.

Mr. Sheean: Then, on the return trip, what time do you leave Savanna?

Mr. Kuehl: Leave there at 7 o'clock.

Mr. Sheean: And you ordinarily get to the east end of the run at what time?

Mr. Kuehl: Well, 9:45 to 10 o'clock.

Mr. Sheean: In the evening?

Mr. Kuehl: Yes, sir.

Mr. Sheean: On west bound the run ordinarily gets you in about 7:50 into Savanna, and you are due to go out the next morning at 7 o'clock?

Mr. Kuehl: Yes, sir.

Mr. Sheean: At this end of the run you hardly ever get in any later than 9 o'clock at night, do you?

Mr. Kuehl: Oh, yes, 9:30.

Mr. Sheean: How early do you get in at times?

Mr. Kuehl: I very seldom get in before 8.

Mr. Sheean: And then the return trip is made, leaving here the next day at 5:50, six days in the week?

Mr. Kuehl: Yes, sir.

Mr. Sheean: During the heavy season, does this way freight run all the way from Aurora to Savanna?

Mr. Kuehl: It has, all the time that I have been there, with the exception of about one year, or about a year and a half; at that time it cut off at Oregon, a distance of sixty-one miles.

Mr. Sheean: And during the time of heavy business, the run was cut at Oregon, was it?

Mr. Kuehl: Well, the business is always heavy on that run.

Mr. Sheean: You carry full tonnage on this way freight?

Mr. Kuehl: Yes, sir; until the time gets short, and then they set it all out, and beat it with the way car.

Mr. Sheean: And they leave Chicago with full tonnage, do they?

Mr. Kuehl: Leave Aurora?

Mr. Sheean: Leave Aurora.

Mr. Kuehl: Yes, sir; when they have it.

Mr. Sheean: How often do they have it?

Mr. Kuehl: Quite often.

Mr. Sheean: What proportion of the time?

Mr. Kuehl: Well, I could not just say as to that; they are pretty heavy most all the time.

Mr. Sheean: What class engine, what weight on drivers, is run on this way freight?

Mr. Kuehl: From 106,500 to 152,000.

Mr. Sheean: Well, ordinarily, do you have the 106,000 or the 152,000?

Mr. Kuehl: Ordinarily we have the 131,000.

Mr. Sheean: And about what proportion of the time do they have the 131,000-pound engine?

Mr. Kuehl: Well, I could not say as to that.

Mr. Sheean: Well, the greater part of the time?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Not in percentage, but ordinarily, and the

greater part of the time, it would be that same type of engine, would it not?

Mr. Kuehl: Yes, sir; when they have them.

Mr. Sheean: On that run where do you ordinarily get your lunch?

Mr. Kuehl: Where do I get my lunch?

Mr. Sheean: Yes.

Mr. Kuehl: At Shabbona.

Mr. Sheean: That is what distance from Aurora?

Mr. Kuehl: Thirty miles.

Mr. Sheean: And on the return trip where do you ordinarily get your lunch?

Mr. Kuehl: Rochelle.

Mr. Sheean: There is an eating house at both places?

Mr. Kuehl: Yes, sir.

Mr. Sheean: About what time is this way freight due at Shabbona westbound and at Rochelle eastbound?

Mr. Kuehl: She gets into Rochelle about all the way from 12 o'clock to 2:30, eastbound; and she is at Shabbona all the way from 10 o'clock to noon, westbound.

Mr. Sheean: When you were answering about the physical examination on the Burlington, one answer might indicate that you were examined separately, or were subjected to two examinations, one by the Burlington Railroad and another by the Relief Department; now were those two separate and distinct and separate examinations?

Mr. Kuehl: No, they are both the Burlington Relief, both operated by—

Mr. Sheean: And they are made at the time of your making application for service?

Mr. Kuehl: Yes, sir, and since I have made application for service.

Mr. Sheean: Since you have made application for service —was that at the time of your promotion from fireman to engineer?

Mr. Kuehl: No, sir, it was before that.

Mr. Sheean: What was the second examination?

Mr. Kuehl: Eyesight and hearing.

Mr. Sheean: You were not examined for eyesight and hearing at the time of your first examination, then?

Mr. Kuehl: Yes, sir.

Mr. Sheean: How long after the first examination did the second examination take place?

Mr. Kuehl: I think it was about four or five years after the first one.

Mr. Sheean: And how near the time when you took your examination for promotion from fireman to engineer?

Mr. Kuehl: I don't know that exactly.

Mr. Sheean: About when was it you took your examination for promotion from fireman to engineer?

Mr. Kuehl: December 28, 1913.

Mr. Sheean: Then how many physical examinations, by the Burlington Relief Department have you undergone, all told, from the time you entered their service, to date?

Mr. Kuehl: One physical and, on eyesight and hearing, one.

Mr. Sheean: In connection with this way freight work, the engineer and fireman take their engines to the roundhouse at Savanna and at what other point?

Mr. Kuehl: Mendota.

Mr. Sheean: You spoke of throwing switches at Savanna. Is that on the way freight?

Mr. Kuehl: That is in passenger service.

Mr. Sheean: Upon the arrival of the train at Savanna, the engine, on a passenger train, is disconnected, is it?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And the engineer and fireman take it from the passenger depot to the roundhouse?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And that is a distance of—

Mr. Kuehl: About one mile.

Mr. Sheean: About one mile?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And in taking the engine, how many switches are there thrown, between the passenger depot and the roundhouse?

Mr. Kuehl: There are five.

Mr. Sheean: Going to the roundhouse?

Mr. Kuehl: Yes, sir.

Mr. Sheean: How about coming out of the roundhouse?

Mr. Kuehl: Six.

Mr. Sheean: Bringing the engine from the roundhouse to the depot?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And here in Chicago, you say that at 12th Street there was another switch thrown?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Is that by the firemen on passenger trains?

Mr. Kuehl: That is for the firemen in suburban service.

Mr. Sheean: In suburban service?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And the engineer and fireman, at the completion of their day's work in suburban service, take the suburban engine to the roundhouse?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Where is this switch, after you leave the main line and are on your way to the roundhouse, after leaving the main line?

Mr. Kuehl: Yes, sir.

Mr. Sheean: That is, there is a switch tender who throws the switch from the main line onto the roundhouse track, or into the yard?

Mr. Kuehl: Yes, sir; about a thousand feet from this switch.

Mr. Sheean: Then, there is one switch that has to be thrown, in order to let the engine go to the roundhouse?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Are the Burlington men, in the suburban service, paid for taking the engine from the station to the roundhouse, at the end of the day?

Mr. Kuehl: No, sir.

Mr. Sheean: Is there any special provision covering that service?

Mr. Kuehl: No, sir.

Mr. Sheean: Neither in miles nor time?

Mr. Kuehl: They get 100 miles for making the trip, or whatever the mileage is.

Mr. Sheean: Or whatever the mileage is?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Now, a fireman en route and firing an engine

in the winter time, in the hot space about the fire box, I suppose, has, at times, to take water, does he, on the trips?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Has to assist in taking on coal?

Mr. Kuehl: No, sir, we do not.

Mr. Sheean: Well, not on your local run, but a man in through service?

Mr. Kuehl: Yes, he does, in through service.

Mr. Sheean: The man in through service has to look after the dumping of the ash pan.

Mr. Kuehl: Yes, sir.

Mr. Sheean: There are various duties in connection with a fireman's work that require him to leave the cab of the engine in all kinds of weather?

Mr. Kuehl: Yes, sir, but in real bad weather, why, the engineer generally takes care of the ash pan and such as that.

Mr. Sheean: Well, it is just as difficult for the engineer to get down from the hot cab and expose himself to the inclemency of the weather as for a fireman, isn't it?

Mr. Kuehl: No, sir.

Mr. Sheean: He is not as much exposed to the heat of the fire box?

Mr. Kuehl: No, sir.

Mr. Sheean: Is it a part of the engineer's duty to assist in taking on water and taking on coal?

Mr. Kuehl: No, sir.

Mr. Sheean: Or the dumping of the ash pan?

Mr. Kuehl: No, sir.

Mr. Sheean: How long does it take you to throw this switch out here at 12th street?

Mr. Kuehl: Well, that all depends on how many engines are ahead of you. Sometimes you have to wait until they get out of the way?

Mr. Sheean: Well, after they are out of the way—I suppose you could wait until they get out of the way, up in your cab, couldn't you?

Mr. Kuehl: Yes, if you wanted to do that.

Mr. Sheean: After they are out of your way and the switch is there for you to turn, how long does it take you to turn

that switch, from the time you leave your engine until you pass through it?

Mr. Kuehl: I could not say just how long it takes. I never timed myself.

Mr. Sheean: How close do you approach with the engine to the switch—the engine is light, isn't it?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And also in Savanna, in making the movement there, it is a light engine?

Mr. Kuehl: Yes, sir.

Mr. Sheean: What kind of a switch is this that you throw in the yard here, a dwarf switch?

Mr. Kuehl: It is a ball switch.

Mr. Sheean: Locked?

Mr. Kuehl: No, sir.

Mr. Sheean: Mr. Carter spoke about getting out and unlocking and locking, and so on—do you encounter anything of that sort?

Mr. Kuehl: Yes, sir, at Savanna there are two or three main track switches that have got to be unlocked and locked.

Mr. Sheean: Is it two or three, at Savanna, main track switches?

Mr. Kuehl: It is four, going to the depot.

Mr. Sheean: Going to the depot from the roundhouse?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Four main track switches?

Mr. Kuehl: Yes, sir.

Mr. Sheean: That is, when you are starting out fresh in the morning from the roundhouse, just leaving the roundhouse and going down to the depot?

Mr. Kuehl: Yes, that is after you have been out all night.

Mr. Sheean: In going from the roundhouse to the depot?

Mr. Kuehl: Yes, sir. You only get two or three hours at Savanna; you come right back, double the road.

Mr. Sheean: That is a matter of arrangement among the men there, isn't it, who are in that pool, as to whether they double back and spend their time here or spend it at the other end?

Mr. Kuehl: No, sir, that is the way the runs run.

Mr. Sheean: Run to Savanna and return—

Mr. Kuehl: To Chicago.

Mr. Sheean: Would you rather lay over at Savanna, and make the return trip, with the second day's pay, on the next day —isn't that of mutual convenience, or hasn't that been arranged in that way to accommodate the men so that they are paid two days' pay and come back to Chicago and spend all their time here?

Mr. Kuehl: I don't know whether it is or not.

Mr. Sheean: Would you personally prefer to make the run to Savanna and stay there until the next day and then come back here on the next day, running it one way each day, or would you prefer to make the two days' pay in one day?

Mr. Kuehl: It would not make any difference to me.

Mr. Sheean: You would have no preference?

Mr. Kuehl: No, sir. When a fireman doubles the road he has earned his money.

Mr. Sheean: You were on that run for a time, were you, running on passenger?

Mr. Kuehl: Yes, sir.

Mr. Sheean: What time did you get into Savanna—on what train was that—leaving here at what time?

Mr. Kuehl: Leaving here at 4:30—leaving the depot at 4:30 and arriving at Savanna at 9:55.

Mr. Sheean: On the return trip you left at what time?

Mr. Kuehl: Left Savanna at 5:50.

Mr. Sheean: The next morning?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Well, then, on that particular run, there was time—

Mr. Kuehl: No, we did not either, on that run—we left there at 2:50, I believe it was.

Mr. Sheean: 2:50?

Mr. Kuehl: Yes, sir.

Mr. Sheean: You got in at 9:55 and left at 2:50?

Mr. Kuehl: Yes, sir.

Mr. Sheean: And, during that time the fireman had time to cool down so that he was not endangering himself by exposure to the atmosphere, on the return trip?

Mr. Kuehl: You understand that was the schedule running time of the train. A fireman is not done when he gets to the depot.

Mr. Sheean: What is it?

Mr. Kuehl: That was the actual running time of the train, the schedule time of the train; but a fireman is not done when he gets to the depot.

Mr. Sheean: No, but there was time between the arrival and the relief, and his again coming to the roundhouse, for the return trip, so that when he was starting out he was not in this condition that Mr. Carter has described, where turning the switches would expose his health to danger?

Mr. Kuehl: Sometimes, and sometimes his clothes were not dry when he would get ready to go out.

Mr. Sheean: Between the run, arriving at 9:55 at night, and leaving at 5:50 next morning?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Where does the fireman go at Savanna, or what does he do between 9:55 and the return trip in the morning?

Mr. Kuehl: He generally washes up and goes to bed. They have what they call a bunk house there.

Mr. Sheean: On the trip down from the depot to the roundhouse, upon the arrival of the train at Savanna, how many main line switches are there that are locked?

Mr. Kuehl: Four.

Mr. Sheean: Four in both directions?

Mr. Kuehl: Yes, sir.

Mr. Sheean: From roundhouse to depot and from depot to roundhouse?

Mr. Kuehl: Yes, sir.

Mr. Sheean: How long has it been the custom and practice for the light engine at Savanna to be taken by its engineer and fireman from the depot to the roundhouse, without a switchman or other person accompanying the light engine?

Mr. Kuehl: Ever since I worked for the Burlington.

Mr. Sheean: At points where hostlers are maintained, is it the custom and practice to have a switchman or trainman ride all light engines and throw switches for the hostler and fireman?

Mr. Kuehl: Yes, sir.

Mr. Sheean: At what point is that done?

Mr. Kuehl: I don't know, at Savanna they generally run

the engines from one side of the coal chutes to the other side, and they generally have a man with them there to throw the switches.

Mr. Sheean: In bringing an engine from the depot to the roundhouse?

Mr. Kuehl: There is no such thing as that.

Mr. Sheean: What is it?

Mr. Kuehl: We have no cases like that, that I know of.

Mr. Sheean: At any point that you know of?

Mr. Kuehl: No, sir.

Mr. Sheean: You have not, I take it, Mr. Kuehl, kept any record of the time of this way freight from month to month or from week to week, as to how many hours, except this one month that you gave us here, the number of hours you worked in twenty-five days?

Mr. Kuehl: No, I have not; that is, you mean all the time?

Mr. Sheean: Yes. You gave one month, the month of June, I think, in which you worked three hundred and some hours.

Mr. Kuehl: Well, I can give you two or three months of the same amount, or on the same job.

Mr. Sheean: As to both the hours and the trips made?

Mr. Kuehl: Yes, sir.

Mr. Sheean: There were twenty-five trips, I think you said, in that month?

Mr. Kuehl: Yes, sir; that is, twenty-five trips that I worked.

Mr. Sheean: And how many hours?

Mr. Kuehl: 369.

Mr. Sheean: 369?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Now, have you any other month in which you have both the trips and the hours?

Mr. Kuehl: Yes, sir.

Mr. Sheean: Just what months are those?

Mr. Kuehl: April and May.

Mr. Sheean: Of this year?

Mr. Kuehl: Yes, sir; 1914.

Mr. Sheean: And what were the number of trips and the number of hours made there?

Mr. Kuehl: Well, I don't know. I can tell you just what they were. (Referring to paper.) In the month of July, 301 hours.

Mr. Sheean: How many trips?

Mr. Kuehl: 22.

Mr. Sheean: Now, have you April and May there conveniently?

Mr. Kuehl: I have made 327 hours.

Mr. Sheean: How many trips?

Mr. Kuehl: 23 trips.

Mr. Sheean: And the other month?

Mr. Kuehl: The other month was not on the same job.

Mr. Sheean: Was that another way freight run?

Mr. Kuehl: It was the same run, but they had changed the mileage.

Mr. Sheean: Well, the same run, you say, the same local train?

Mr. Kuehl: The same local, but they were not making—no, it was not the same local.

Mr. Sheean: Well, it was another local train?

Mr. Kuehl: Yes, sir.

Mr. Sheean: What were the hours and the trips in that month?

Mr. Kuehl: 25 days, 290 hours.

Mr. Sheean: That is all.

Mr. Carter: I just want to ask you one quetsion. This 35 cents an hour, 369 hours, did that include your preparatory time?

Mr. Kuehl: No, sir, it did not. That was the actual time I was paid for.

Mr. Carter: About how much per trip would you work in addition to that, how many hours that you did not get paid for?

Mr. Kuehl: About an hour and a half.

Mr. Carter: That is all.

(Witness excused.)

The Chairman: Have you concluded, Mr. Carter?

Mr. Carter: Yes, sir. Mr. Stone has a statement to make.

Mr. Stone: Mr. Chairman, before you adjourn, I would like to make this statement, if I might be allowed.

The other day, the Managers' Committee, through their counsel, informed us that they expected to select typical men from each division in each class of service and present their earnings here. I want to repeat what I said the other day, so as to give them ample time to get them ready. Wherever they present what they call a typical case on any division, I shall insist that they produce the payroll, not only for that man for that current year, but the payroll of all other men on the same division for the same year.

Now, I understand that they make the claim that this will taken an immense amount of copying, and two or three years. There is no reason in the world why it could not be ready by the time we meet again on January 4th, if they use the photostat process, that is used by many big industries throughout the country. We are only a little two by four organization, but we have a photostat that I can produce anything in one minute at a cost of five cents a copy. I can take the biggest payroll they have got and give them ten copies in ten minutes at a cost of five cents a copy—and I see no reason, if that is what they propose to do, why they should not have this notice now, so they can get ready for it. Because, we are certainly going to insist, if they are going to pick out some specific typical man and show the wages he did earn on some particular high spot, or could have earned had he been made of twisted wire, and could have worked all the time, that they produce the payrolls, not only for that man for that month, but for all the months in that year, and also of all engineers on that division for that year.

In other words, we want to show what the general average of these men is, and not what some man earned during some one month in his lifetime. If necessary, we are perfectly willing to divide the expense of securing this with them.

Now, if I may say one word more, I am through. We are about to adjourn, and when we meet again, if we do meet, because life is uncertain, you know, the old year will have finished like an idle thought, and the new year will have come as quietly as the falling snow flakes.

In behalf of the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen, I take this opportunity of conveying to both the Board and to the Managers' Association the best wishes of both organizations for a

very Happy and Prosperous Christmas; and I trust that the Christmas they anticipate will be all that they hope for and that the New Year will be even more than they expect. I wish them that in behalf of the two organizations. (Applause.)

The Chairman: Gentlemen, while this is the first experience I have had of this kind, I am informed by those who have had experience in such matters that, so far, we have made unusual progress.

I desire to assure the parties to this controversy, there is no disposition on the part of the members of the Board to unduly press this hearing. But, for reasons that are obvious, it is highly important that we should bring the hearing to a conclusion at as early a day as possible, consistent with fair and impartial hearing of the matters involved.

On behalf of the Board it gives me pleasure to thank the representatives of the respective parties for the very courteous and able manner in which they have presented their contentions. I sincerely trust that this good will may continue until the end of the hearing.

I wish each and every one of you a Merry Christmas, and a Happy and Prosperous New Year. (Applause.)

The Board will now adjourn until the 4th of January, 1915, at which time it will reconvene at the usual hour.

(Whereupon, at 11:20 o'clock A. M., December 22, 1914, an adjournment was taken until 10 o'clock A. M., January 4, 1915.)

UNIVERSITY OF ILLINOIS-URBANA
3 0112 084206181